

MAP 55-13
4B
E.D. 15
DATE 12-11-86
200 ✓
1000 ✓
DP

Harry Horney
Beg. at W/S Sue Ave. approx. 400' N of
centerline of Sue Creek Dr.
15th Dist.

191 46-311-A PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1B0.2.3.C(1) of the B.C.Z.R. to permit a front yard setback of 12 feet from proposed 40-foot right-of-way in lieu of the required 25 feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

Due to proposed right of way modifications the lots would be undevelopable in a manner compatible with the neighborhood unless the variance requested is granted.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:	Legal Owner(s):
Harry Horney	Harry Horney
(Type or Print Name)	(Type or Print Name)
Signature	Signature
Address	Address
City and State	City and State
Attorney for Petitioner:	2014 Middleborough Rd
John B. Gontrum	Address
(Type or Print Name)	Phone No.
Signature	Baltimore, Maryland 21221
Address	City and State
809 Eastern Blvd	Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Address	John B. Gontrum
Baltimore, Maryland 21221	Name
City and State	Address
Attorney's Telephone No.: 686-8274	686-8274
	Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 21st day of January, 1986, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County on the 24th day of February, 1986, at 9:30 o'clock.

Paul Lee
Zoning Commissioner of Baltimore County.

(over)

ORDER RECEIVED FOR FILING
DATE January 28, 1986
BY *Paul Lee*

MAP 55-13
4B
E.D. 15
DATE 12-11-86
200 ✓
1000 ✓
DP

IN RE: PETITION ZONING VARIANCE
Beginning at the W/S of Sue Avenue, approx. 400' N of the centerline of Sue Creek Drive - 15th Election District
Harry Horney, Petitioner
* * * * *

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 86-314-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit a front yard setback of 12 feet from the proposed 40-foot right of way instead of the required 25 feet, as more particularly described on Petitioner's Exhibit 1.

The Petitioner appeared and testified and was represented by Counsel. Paul Lee, a registered civil engineer, testified on behalf of the Petitioner. Paul Glagola, Mark Wagner, and his parents, Frederick and Phyllis Wagner, appeared in opposition. William Geiger, another area resident, appeared but not in opposition.

Testimony indicated that the subject property, zoned D.R.5.5 and containing approximately 0.6 acres, is located on Sue Avenue and is presently unimproved. The Petitioner proposes to subdivide the property into three building lots. Sue Avenue is a paved street, approximately 18 feet wide, from Turkey Point Road to Sue Creek Drive. The County requires a 40-foot right for the future widening of Sue Avenue. The building envelopes for each lot are in line with the existing home on Sue Avenue, i.e., each 35 feet to 40 feet from the front building line to the centerline of Sue Avenue. Each envelope is approximately the same size as existing homes in the area. The proposed right of way, however, will take over 20 feet and leave only 12 feet from the proposed dwelling to the front property line instead of the required 25 feet.

ORDER RECEIVED FOR FILING
DATE January 28, 1986
BY *Paul Lee*

Mr. Lee testified that a variance, either to the front yard or to the rear yard, would be required regardless of whether one house or three houses were constructed. Without a variance, it would be impossible to utilize the property.

Mr. Glagola, Mr. Wagner, and Mr. Geiger are all adjacent property owners to the rear of the subject property whose lots front on Sue Creek Drive. Their rear yards adjoin the rear of the proposed homes. They object, quite honestly, because they had hoped the site would remain undeveloped. They are also concerned about the storm drain and sewer systems. Mr. Geiger was not objecting to the proposed dwelling; however, he was concerned about any screening between his property and the subject property.

The Petitioner seeks relief from Section 1B02.3.C(1), pursuant to Section 307, Baltimore County Zoning Regulations (BCZR).

An area variance may be granted where strict application of the zoning regulation would cause practical difficulty to the petitioner and his property. *McLean v. Soley*, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the petitioner must meet the following:

- whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

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DATE January 28, 1986
BY *Paul Lee*

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It is clear from the testimony that if the variance were granted, such use as proposed would not be contrary to the spirit of the BCZR and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the instant variance were not granted. It has been established that the requirement from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 28th day of February, 1986, that the Petition for Zoning Variance to permit a front yard setback of 12 feet from the proposed 40-foot right of way instead of the required 25 feet be and is hereby GRANTED, from and after the date of this Order, subject, however, to the following restrictions:

- The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- The Petitioner shall comply with the comments from the Director of Planning, dated February 10, 1986, which make recommendations as to the satisfaction of the Chesapeake Bay Critical Area requirements. Said comments, as they relate to the instant property, are adopted in their entirety and made a part of this Order.

ORDER RECEIVED FOR FILING
DATE January 28, 1986
BY *Paul Lee*

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- After consulting with the owners of Lots 49, 50, 51, 52, and 53, Sue Creek Road, the Petitioner shall place appropriate screening, as approved by the Zoning Commissioner, on the rear property line separating these lots from the subject property, as well as that which is required by the Critical Areas regulations.

Paul Lee
Zoning Commissioner of Baltimore County

AJ/srl
cc: John B. Gontrum, Esquire
Mr. Paul Glagola
Mr. Mark Wagner
People's Counsel

ORDER RECEIVED FOR FILING
DATE January 28, 1986
BY *Paul Lee*

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Paul Lee P.E.
Paul Lee Engineering Inc.
301 W. Pennsylvania Ave.
Towson, Maryland 21204
301 821-3941

DESCRIPTION 0.579 ACRE PARCEL - SUE AVENUE - FIFTEENTH ELECTION DISTRICT - BALTIMORE COUNTY, MARYLAND

Beginning for the same at a point said point being located in the paving of Sue Avenue 400 feet ± north of the intersection with the center of Sue Creek Drive, thence binding in the paving of Sue Avenue the three following courses and distances:

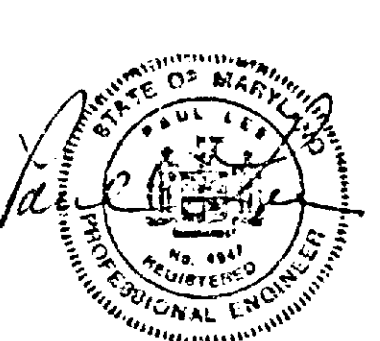
- N 25°12'30" West 73.46 feet
- N 36°15'40" West 73.87 feet and
- N 39°49'10" West 104.30 feet

thence leaving the paving of Sue Avenue

- S 53°15'00" West 98.44 feet
- S 36°45'00" East 250.00 feet and
- N 53°15'00" East 89.47 feet

to the point of beginning.

Containing 0.579 acre of land, more or less.



Engineers - Surveyors - Site Planners 9/26/85

OFFICE COPY

PETITION FOR ZONING VARIANCE 15th Election District

LOCATION: Beginning at West Side of Sue Avenue, approximately 400 feet North of the centerline of Sue Creek Drive

DATE AND TIME: Monday, February 24, 1986, at 9:30 a.m.

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Zoning Variances to permit front yard setbacks of 12 feet from proposed 40 feet right of way in lieu of the required 25 feet for Lots 1, 2, and 3.

Being the property of Harry Horney, as shown on plat plan filed with the Zoning Office.

In the event that this Petition(s) is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF
ARNOLD JARLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

FEB 2 1987

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
Zoning Commissioner
Date: February 13, 1986
Norman E. Gerber, AICP, Director
FROM: Office of Planning and Zoning
SUBJECT: Zoning Petitions Nos. 86-304-A, 86-314-A and 86-324-A

Please consider the Chesapeake Critical Area Review comments (see memo dated 2/10/86, Gerber to Jablon) to be the comments of this office.

Norman E. Gerber, AICP, Director

NEG:JGR:slm

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
Zoning Commissioner
Date: February 10, 1986
Norman E. Gerber, AICP, Director
FROM: Office of Planning and Zoning
SUBJECT: Chesapeake Critical Area Review - Raymond Porter, et ux (86-307-A); The Owl Corp. (86-307-A); B.W. Pierce, Jr., et ux (86-324-A); A.F. Surguy, et ux (86-324-A); and H. Horney (86-314-A)

In regard to the Porter, et ux and the Owl Corp., it has been determined that these two petitions are consistent with the requirements of Critical Area statute without the need of mitigative or other management practices.

The H. Horney petition involves a wooded site with a number of specimen trees. This petition will be deemed to meet the requirements of the Critical Area statute, if as many trees as possible are conserved; this would require a simple plan showing the existing trees and indicating which ones are to be retained. In addition, a plan to protect the trees during construction is necessary. As a minimum, each lot should contain four major deciduous trees or eight conifers or 16 minor deciduous trees. Existing trees that are retained on-site can be utilized toward meeting this requirement. This tree allocation is based on 2,400 feet of area suitable for tree planting. At the petitioner's discretion, any mix or combination of plantings would be appropriate based on the formula of one major deciduous or two conifers or four minor deciduous trees for every 600 square feet of area.

The petitions of B. W. Pierce, Jr. and A. F. Surguy, et ux involve lots which are predominately or entirely clear of trees. With regard to the B. W. Pierce, Jr. petition, it has been determined that a combination of six large deciduous or 12 conifers or 24 small deciduous trees be planted based on an area of 3,600 square feet suitable for tree planting.

In regard to the A. F. Surguy petition, it is recommended, based on area suitable for tree planting of 600 square feet, that one major deciduous or two conifers or four minor deciduous trees be planted on each lot.

In regard to the H. Horney, B. W. Pierce, Jr., et ux and Surguy, et ux petitions, it is recommended that infiltration of runoff from the lots' impervious surfaces be maximized by directing such runoff over the largest permeable area possible toward a suitable offsite location. This is greatly preferred as compared to outletting runoff directly onto walks, driveways or streets.

NEG/PJS/sl

cc: Mr. Tom Vidmar, Bureau of Engineering
People's Counsel
Ms. Jean M. H. Jung
Mr. J. Hoswell
Ms. Andrea J. Van Arsdal

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

January 29, 1986

Chairman

John R. Gontum, Esquire
609 Eastern Boulevard
Baltimore, Maryland 21221

RE: Item No. 191 - Case No. 86-314-A
Petitioner - Harry Horney
Variance Petition

Dear Mr. Gontum:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above-referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commission with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

James E. Dyer, Jr.
JAMES E. DYER, JR.
Chairman
Zoning Plans Advisory Committee

JED:mr

Enclosures

cc: Paul Lee Engineering, Inc.
304 W. Pennsylvania Avenue
Towson, Maryland 21204

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
TOWSON, MARYLAND 21204
494-3211
DIRECTOR GENERAL

JANUARY 23, 1986

(CRITICAL AREA)

Re: Zoning Advisory Meeting of DECEMBER 3, 1985
Item # 191
Property Owner: HARRY HORNEY

Location: SW SIDE OF SUE CREEK DRIVE
400' N OF SUE CREEK DRIVE

Dear Mr. Jablon:

The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable:

- ☒ There are no site planning factors requiring comment.
- ☒ A County Review Group Meeting is required.
- ☒ A County Review Group Meeting was held and the minutes will be forwarded by the Bureau of Public Services.
- ☒ This site is part of a larger tract; therefore it is defined as a subdivision. The plan must show the entire tract.
- ☒ A record plat will be required and must be recorded prior to issuance of a building permit.
- ☒ The access is not satisfactory.
- ☒ The circulation on this site is not satisfactory.
- ☒ The parking arrangement is not satisfactory.
- ☒ Parking calculations must be shown on the plan.
- ☒ This property contains soils which are defined as wetlands, and development on these soils is prohibited.
- ☒ Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-98 of the Development Regulations.
- ☒ Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
- ☒ The amended Development Plan was approved by the Planning Board.
- ☒ Landscaping: Must comply with Baltimore County Landscape Manual, 8111 178-79. No building permits may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service is:
- ☒ The property is located in a traffic area controlled by a "T" level intersection as defined by 8111 178-79, and its conditions change the unsuitability of the site for the proposed use.
- ☒ THIS SITE IS LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA. ADDITIONAL COMMENTS WILL BE PROVIDED BY THE CRITICAL AREA PLANNING DIVISION.
- ☒ A MODIFIED WAIVER OF STANDARDS (ROAD IMPACTS) WAS GRANTED BY PLAN BOARD 7/18/85.
- ☒ SEE (W-65-111)

cc: James Horsey
Eugene A. Boser
Chief, Current Planning and Development

BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204-2586
494-4500

PAUL H. RENCKE
CHIEF

December 17, 1985

Mr. Arnold Jablon
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Attention: Nick Commodari, Chairman
Zoning Plans Advisory Committee

RE: Property Owner: Harry Horney

Location: SW side Sue Avenue, 400' N of Sue Creek Drive

Item No.: 191

Zoning Agenda: Meeting of December 3, 1985

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals of _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

- () 2. A second means of vehicle access is required for the site.

- () 3. The vehicle dead end condition shown at _____

EXCEEDS the maximum allowed by the Fire Department.

- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 edition prior to occupancy.

- () 6. Site plans are approved, as drawn.

- () 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *John F. O'Neill*
Noted and Approved: _____
Planning Group
Special Inspection Division

/mb

Case No. 86-314-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this
21st day of January, 1986.

Arnold Jablon
ARNOLD JABLON
Zoning Commissioner

Petitioner: Harry Horney
Petitioner's Attorney: John B. Gontum, Esquire

Received by: *James E. Dyer, Jr.*
Chairman, Zoning Plans Advisory Committee

BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204
494-3610

TED ZALESKI, JR.
DIRECTOR

December 23, 1985

Mr. Arnold Jablon, Zoning Commissioner
Office of Planning and Zoning
Towson, Maryland 21204

Dear Mr. Jablon:

Comments on Item # 191 Zoning Advisory Committee Meeting are as follows:
Property Owner: Harry Horney (CRITICAL AREA)
Location: SW side of Sue Avenue, 400' N of Sue Creek Drive
District: 15th Election District

APPLICABLE TYPES ARE CHECKED:

- () All structures shall conform to the Baltimore County Building Code as adopted by Council Bill #17-81, the Maryland Code for the Handicapped and Age (A.R.S. 11, #217, - 1980) and other applicable Codes and Standards.
- () A building and other miscellaneous permits shall be required before the start of any construction.
- () Residential: Two sets of construction drawings are required to file a permit application. The seal of a registered in Maryland Architect or Engineer is not required on plans and technical data.
- () Commercial: Three sets of construction drawings sealed and signed by a registered in Maryland Architect or Engineer shall be required to file with a permit application. Reproduced seals are not acceptable.
- () All Use Groups except R-4 Single Family Detached Dwellings require a minimum of 1 hour fire rating for exterior walls closer than 6'-0" to an interior lot line. R-4 Use Groups require a one hour wall if closer than 3'-0" to an interior lot line. Any wall built on an interior lot line shall require a fire or party exterior wall within 3'-0" of an interior lot line.
- () The structure does not appear to comply with Table 205 for permissible height/area. Reply to the requested variance by this office cannot be considered until the necessary data pertaining to height/area and construction type is provided. See Table 101 and 505 and have your Architect/Engineer contact this department.
- () The requested variance appears to conflict with Section(s) _____ of the Baltimore County Building Code.
- () When filing for a required Change of Use/Occupancy Permit, an alteration permit application shall also be filed along with the Change of Use/Occupancy Permit. The alteration permit application shall also be altered in order to comply with the Code requirements for the new use. Maryland Architectural or Engineering seals are usually required. The change of the Use Group is from Use _____ to Use _____ or to Mixed Use _____ See Section 312 of the Baltimore Code.
- () The proposed project appears to be located in a Flood Plain, Flood Hazard. Please see the attached copy of Section 516.0 of the Building Code as adopted by Bill #17-85. All plans shall show the correct elevations above sea level for the lot and the finish floor levels including basement.
- () Comments:
- () These abbreviated comments reflect only on the information provided by the drawings submitted to the Office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired the applicant may obtain additional information by visiting Room 112 of the County Office Building at 111 W. Chesapeake Avenue, Towson, Maryland 21204.

By: *Charles E. Lumbard*
Charles E. Lumbard
Public Works Director

L72/85

BALTIMORE COUNTY
DEPARTMENT OF TRAFFIC ENGINEERING
TOWSON, MARYLAND 21204
494-3550

STEPHEN E. COLLINS
DIRECTOR

January 7, 1986

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Item No. -ZAC- Meeting of November 3, 1985
Property Owner:
Location:
Existing Zoning:
Proposed Zoning:

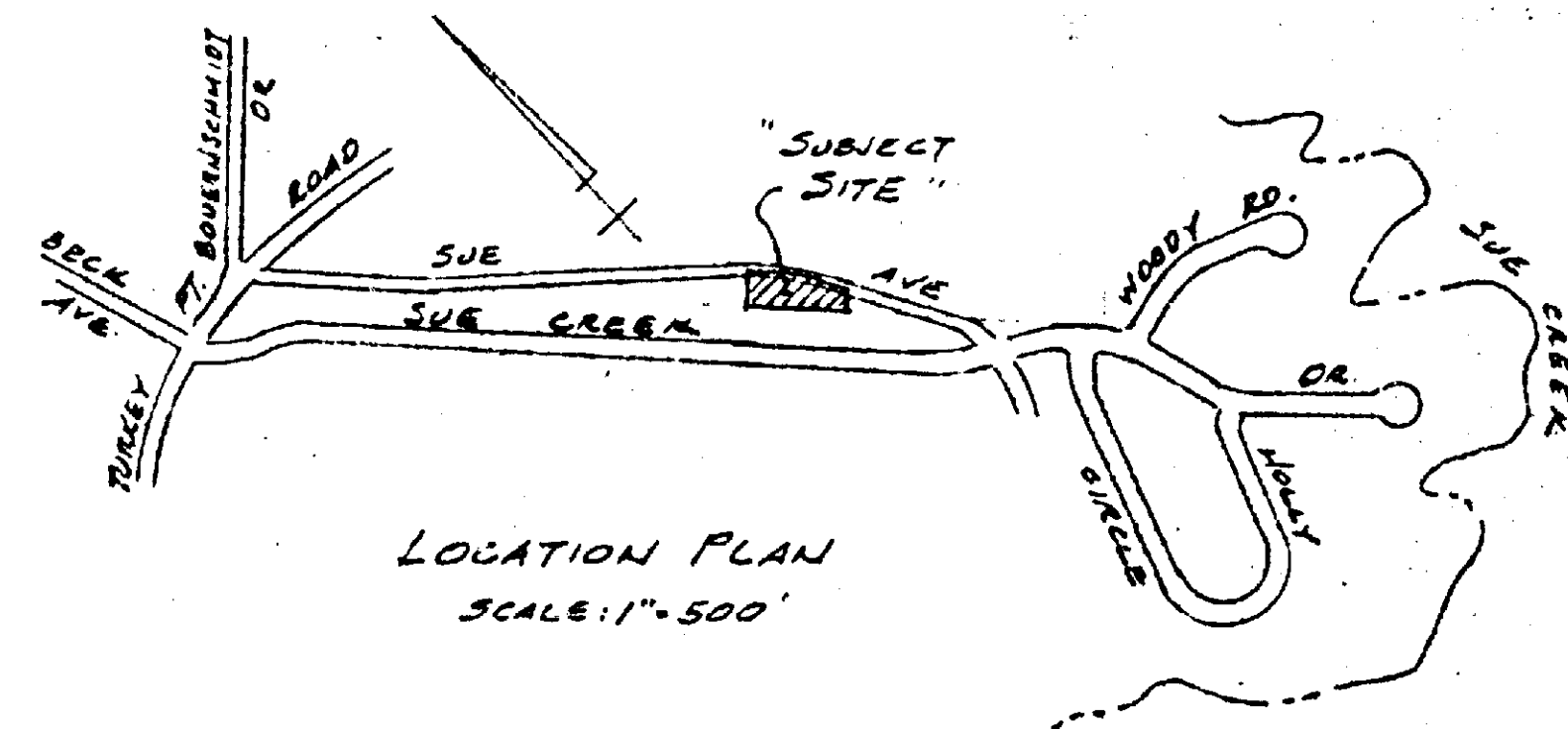
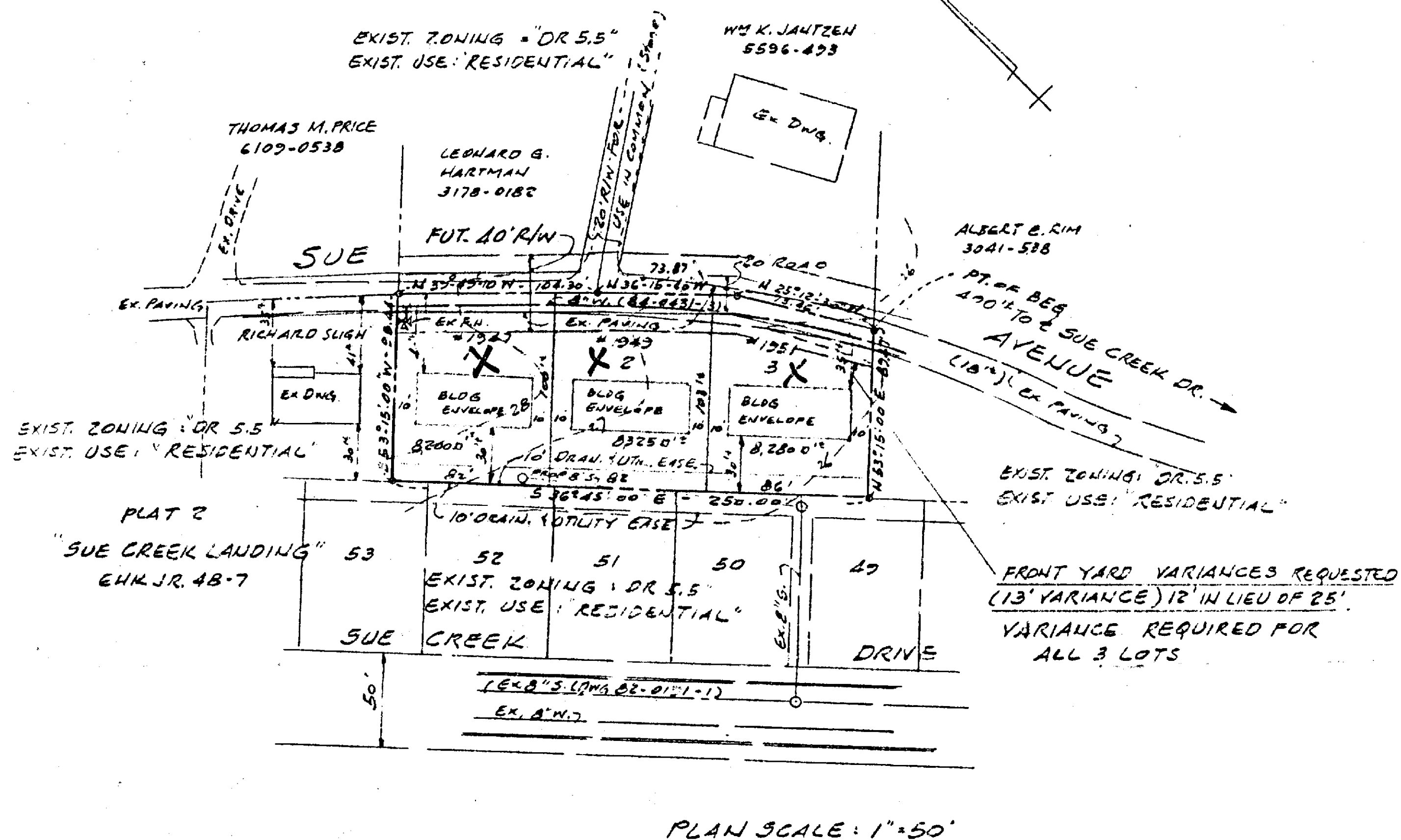
Acres:
District:

Dear Mr. Jablon:

The Department of Traffic Engineering has no comments for items number 190, 191, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, and 206.

Michael S. Flanagan
Michael S. Flanagan
Traffic Engineer Associate II

MSF/Lld



GENERAL NOTES

1. AREA OF PROPERTY = 0.579 AC.±
2. EXIST. ZONING OF PROPERTY = "DR. 5.5"
3. EXIST. USE OF PROPERTY = "VACANT"
4. PROP. ZONING OF PROPERTY = "DR. 5.5"
5. PROP. USE OF PROPERTY = "RESIDENTIAL LOTS"
6. NO. OF LOTS PROPOSED (0.579)/(5.5) = 3
7. PETITIONER REQUESTING A VARIANCE TO SECTION 1802.3.C(1) OF ZONING REGULATION TO PERMIT FRONT YARD SETBACKS OF 12' FROM FUTURE 40' ROAD R/W INSTEAD OF 25' (A VARIANCE OF 13')
8. PUBLIC UTILITIES AVAILABLE TO SITE.
9. PROPERTY IS LOCATED IN THE "MIDDLE RIVER" WATERSHED.

PLAT TO ACCOMPANY PETITION

FOR

FRONT YARD VARIANCES

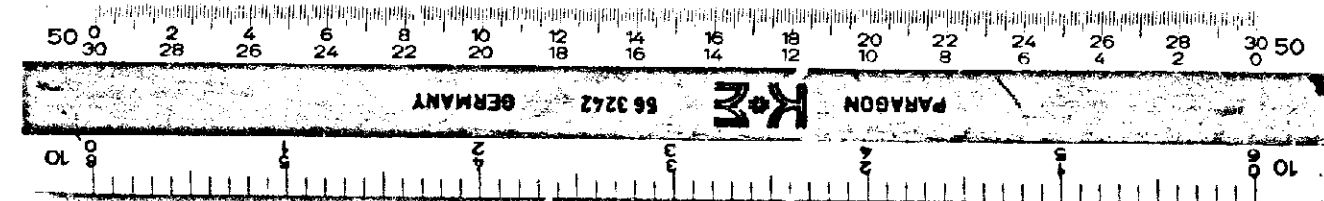
0.579 AC.± PARCEL - SUE AVENUE

15TH ELECT. DIST

BALTIMORE CO., MD

SCALE: 1"=50'

SEPT. 9, 1985



OWNER

HARRY HORNEY
2014 MIDDLEBOROUGH RD.
BALTIMORE, MARYLAND 21221

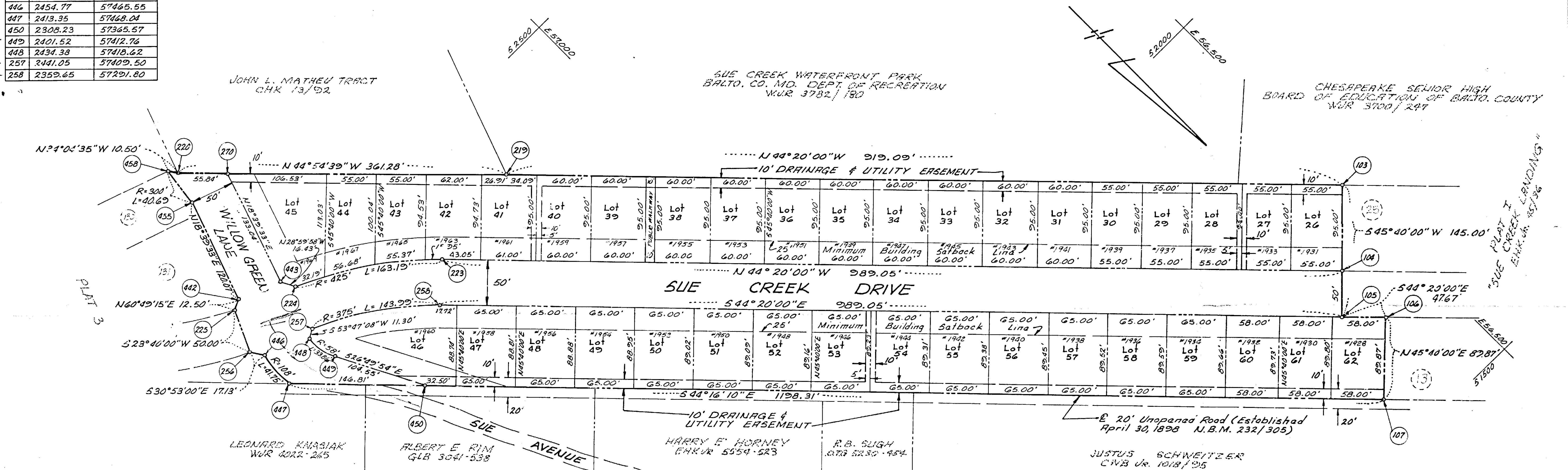
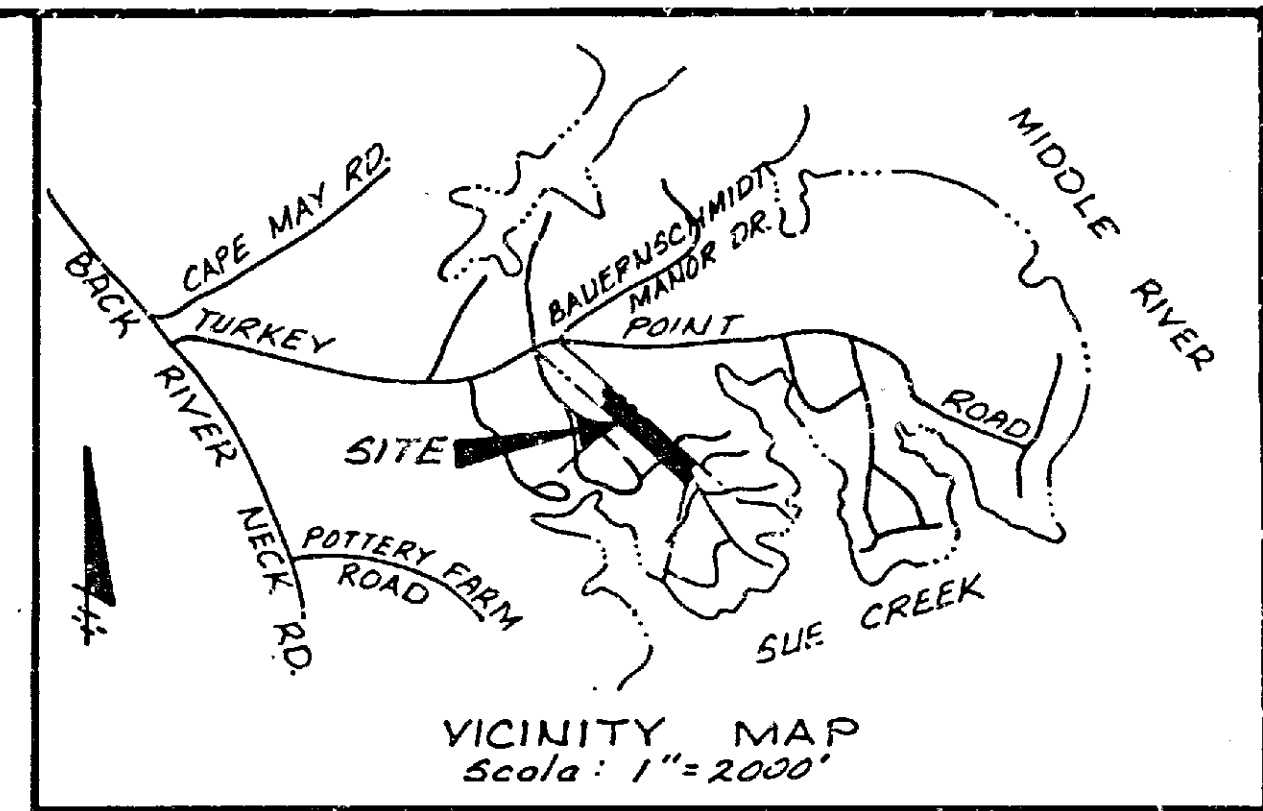
PETITIONER'S
EXHIBIT 1

PAUL LEE ENGINEERING, INC.
304 W. PENNSYLVANIA AVE.
TOWSON, MARYLAND 21204

191

NO.	SOUTH	EAST
103	1753.52	56496.90
104	1687.13	56564.85
105	1652.19	56600.62
106	1618.09	56667.30
107	1555.29	56631.58
223	2394.59	57256.04
224	2486.84	57389.43
443	2501.21	57397.39
219	2410.94	57139.19
270	2627.26	57354.83
220	2666.80	57394.25
442	2521.36	57443.36
225	2515.26	57454.28
254	2469.47	57474.35
446	2454.77	57465.55
447	2413.35	57468.04
450	2308.23	57365.57
449	2401.52	5742.76
448	2434.38	57418.62
257	2441.05	57409.50
258	2359.65	57291.80

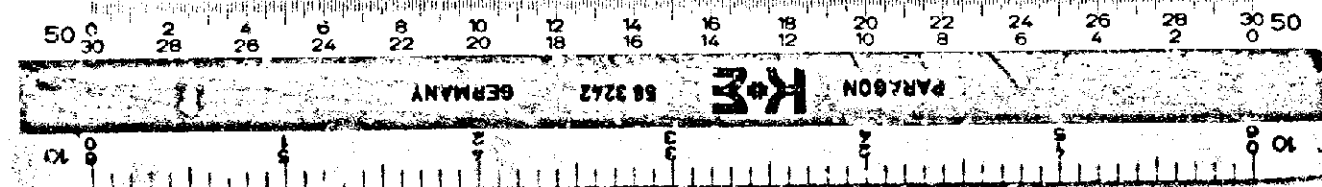
CURVE	Δ	RADIUS	LENGTH	TANG.	BEARING & LONG CHORD
223-224	22°00'00"	425.00'	163.19'	82.61'	S 55°20'00"E 162.19'
258-257	22°00'00"	375.00'	143.99'	72.89'	S 55°20'00"E 143.11'
448-447	33°26'39"	58.00'	33.86'	17.43'	N 10°06'35"W 33.38'
446-447	22°08'56"	108.00'	41.75'	21.14'	N 03°26'26"E 41.49'



NOTE: THIS PLAT IS SUBJECT TO BALTIMORE COUNTY COUNCIL BILL 61-79 (SECT. 22, 31.1) OF THE BALTIMORE COUNTY CODE RELATIVE TO THE LAPSE AND REVOCATION OF A RECORDED PLAT

NOTES:
 BEARINGS AND COORDINATES SHOWN ON THIS PLAT ARE REFERRED TO BALTIMORE COUNTY METROPOLITAN DISTRICT GRID. TYPICAL STA. 49113 E X-3012
 STREETS AND/OR ROADS SHOWN HEREON AND MENTIONED THEREON IN DEEDS ARE FOR PURPOSES OF DESCRIPTION ONLY, AND THE SAME ARE NOT INTENDED TO BE DEDICATED TO PUBLIC USE. THE FREE SIMPLE TITLE TO THE DEEDS THEREOF IS EXPRESSLY PRESERVED IN THE CAPTIONS OF THE DEED TO WHICH THIS PLAT IS ATTACHED THEREIN BEING AND ASSIGNING.
 HIGHWAY AND HIGHWAY WIDENING, EASE, DRAINAGE AND UTILITY EASEMENTS SHOWN HEREON ARE REFERRED TO THE DEVELOPER AND ARE HEREBY OFFERED FOR DEDICATION TO BALTIMORE COUNTY. THE DEVELOPER, HIS PERSONAL REPRESENTATIVES AND ASSIGNS SHALL CONVEY AND APPEAR BY DEED TO BALTIMORE COUNTY MAPPLAND, AT NO COST.
 FOR PARALLEL LOTS PERUSE COLLECTOR, SIGN REMOVAL AND ROADWAY, TENCING ARE PROVIDED TO THE JUNCTION OF THE PARALLEL AND THE STREET RIGHT-OF-WAY LINE ONLY, AND NOT OUT TO THE PARALLEL LOT DRIVEWAY.

DENSITY CALCULATIONS
 Zone DR 5.5
 AREA OF PROPERTY = 6.667 AC.
 NUMBER OF LOTS = 37
 DENSITY = 37/6.667 = 5.5 Lots/Acre



HIGHWAY'S DEPARTMENT OF BALTIMORE COUNTY APPROVED FOR STREET ALIGNMENT & LOCATION
 DATE 5/20/81
 APPROVED FOR BALTIMORE COUNTY HEALTH DEPARTMENT
 DEPUTY STATE & COUNTY HEALTH OFFICER DATE 5/20/81
 APPROVED FOR BALTIMORE COUNTY PLANNING DEPARTMENT
 DIRECTOR DATE 5/20/81

OWNER'S CERTIFICATE
 THE REQUIREMENTS OF SECTION 59 TO 62, ARTICLE 17 OF THE ANNOTATED CODE OF MARYLAND 1957 EDITION (TITLE: CLERKS OF THE COURT, SUB-TITLE: CLERKS OF THE CIRCUIT COURTS) AS FAR AS THEY RELATE TO THE MAKING OF THIS PLAT AND THE SETTING OF MARKERS HAVE BEEN COMPLIED WITH.
 DATE 3-28-81
 OWNER

SURVEYOR'S CERTIFICATE:
 I, E.F. MAPHEL, A REGISTERED PROFESSIONAL SURVEYOR OF THE STATE OF MARYLAND, DO HEREBY CERTIFY THAT THE LAND SHOWN HEREON HAS BEEN Laid Out AND THE PLAT THEREOF PREPARED IN ACCORDANCE WITH THE PROVISIONS OF THE LAW RELATIVE TO THE SUBDIVISION OF LAND KNOWN AS HOUSE BILL NO. 459 CH. 106 OF THE ACTS OF 1945 AND SUBSEQUENT ACTS AMENDATORY THEREOF.
 DATE 3-28-81
 REGISTERED PROFESSIONAL SURVEYOR #2246

PLAT 2
"SUE CREEK LANDING"
 15TH ELECT. DIST.
 SCALE: 1" = 50'
 BALTIMORE COUNTY, MD.
 DATE: MARCH 5, 1981
E.F. MAPHEL & ASSOCIATES
 REGISTERED PROFESSIONAL LAND SURVEYORS
 201 COURTLAND AVENUE
 TOWSON, MARYLAND 21204
 DEED REF: EHKTR 6013/82
 EHK. JR. 48 FOLIO 7
 Filed for record
 Date JUL 15 1981
 Test
 Clerk
 EXHIBIT 2

MAP 55-13
4B
E.D. 15
DATE 12-11-86
200 ✓
1000 ✓
DP

Harry Horney
Beg. at W/S Sue Ave. approx. 400' N of
centerline of Sue Creek Dr.
15th Dist.

191 46-311-A PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1B0.2.3.C(1) of the B.C.Z.R. to permit a front yard setback of 12 feet from proposed 40-foot right-of-way in lieu of the required 25 feet.

Due to proposed right of way modifications the lots would be undevelopable in a manner compatible with the neighborhood unless the variance requested is granted.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:	Legal Owner(s):
Harry Horney	Harry Horney
(Type or Print Name)	(Type or Print Name)
Signature	Signature
Address	Address
City and State	City and State
Attorney for Petitioner:	2014 Middleborough Rd
John B. Gontrum	Address
(Type or Print Name)	Phone No.
Signature	Baltimore, Maryland 21221
Address	City and State
809 Eastern Blvd	Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Address	John B. Gontrum
Baltimore, Maryland 21221	Name
City and State	Address
Attorney's Telephone No.: 686-8274	686-8274
	Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 21st day of January, 1986, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County on the 24th day of February, 1986, at 9:30 o'clock.

(over)

IN RE: PETITION ZONING VARIANCE
Beginning at the W/S of Sue Avenue, approx. 400' N of the centerline of Sue Creek Drive - 15th Election District
Harry Horney, Petitioner
* * * * *

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 86-314-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit a front yard setback of 12 feet from the proposed 40-foot right of way instead of the required 25 feet, as more particularly described on Petitioner's Exhibit 1.

The Petitioner appeared and testified and was represented by Counsel. Paul Lee, a registered civil engineer, testified on behalf of the Petitioner. Paul Glagola, Mark Wagner, and his parents, Frederick and Phyllis Wagner, appeared in opposition. William Geiger, another area resident, appeared but not in opposition.

Testimony indicated that the subject property, zoned D.R.5.5 and containing approximately 0.6 acres, is located on Sue Avenue and is presently unimproved. The Petitioner proposes to subdivide the property into three building lots. Sue Avenue is a paved street, approximately 18 feet wide, from Turkey Point Road to Sue Creek Drive. The County requires a 40-foot right for the future widening of Sue Avenue. The building envelopes for each lot are in line with the existing home on Sue Avenue, i.e., each 35 feet to 40 feet from the front building line to the centerline of Sue Avenue. Each envelope is approximately the same size as existing homes in the area. The proposed right of way, however, will take over 20 feet and leave only 12 feet from the proposed dwelling to the front property line instead of the required 25 feet.

Mr. Lee testified that a variance, either to the front yard or to the rear yard, would be required regardless of whether one house or three houses were constructed. Without a variance, it would be impossible to utilize the property.

Mr. Glagola, Mr. Wagner, and Mr. Geiger are all adjacent property owners to the rear of the subject property whose lots front on Sue Creek Drive. Their rear yards adjoin the rear of the proposed homes. They object, quite honestly, because they had hoped the site would remain undeveloped. They are also concerned about the storm drain and sewer systems. Mr. Geiger was not objecting to the proposed dwelling; however, he was concerned about any screening between his property and the subject property.

The Petitioner seeks relief from Section 1B02.3.C(1), pursuant to Section 307, Baltimore County Zoning Regulations (BCZR).

An area variance may be granted where strict application of the zoning regulation would cause practical difficulty to the petitioner and his property. *McLean v. Soley*, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the petitioner must meet the following:

- whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

BY: [Signature] ASSISTANT

DATE: 1/24/86

BY: [Signature]

DATE: 1/24/86

BY: [Signature]

DATE: 1/24/86

BY: [Signature]

DATE: 1/24/86

BY: [Signature]

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DATE: 1/24/86

BY: [Signature]

DATE: 1/24/86

BY: [Signature]

DATE: 1/24/86

It is clear from the testimony that if the variance were granted, such use as proposed would not be contrary to the spirit of the BCZR and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the instant variance were not granted. It has been established that the requirement from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 28th day of February, 1986, that the Petition for Zoning Variance to permit a front yard setback of 12 feet from the proposed 40-foot right of way instead of the required 25 feet be and is hereby GRANTED, from and after the date of this Order, subject, however, to the following restrictions:

- The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- The Petitioner shall comply with the comments from the Director of Planning, dated February 10, 1986, which make recommendations as to the satisfaction of the Chesapeake Bay Critical Area requirements. Said comments, as they relate to the instant property, are adopted in their entirety and made a part of this Order.

- After consulting with the owners of Lots 49, 50, 51, 52, and 53, Sue Creek Road, the Petitioner shall place appropriate screening, as approved by the Zoning Commissioner, on the rear property line separating these lots from the subject property, as well as that which is required by the Critical Areas regulations.

[Signature]
Zoning Commissioner of
Baltimore County

AJ/srl
cc: John B. Gontrum, Esquire
Mr. Paul Glagola
Mr. Mark Wagner
People's Counsel

Paul Lee P.E.

Paul Lee Engineering Inc.
301 W. Pennsylvania Ave.
Towson, Maryland 21204
301 821-3941

DESCRIPTION
0.579 ACRE PARCEL - SUE AVENUE - FIFTEENTH ELECTION DISTRICT - BALTIMORE COUNTY, MARYLAND

Beginning for the same at a point said point being located in the paving of Sue Avenue 400 feet ± north of the intersection with the center of Sue Creek Drive, thence binding in the paving of Sue Avenue the three following courses and distances:

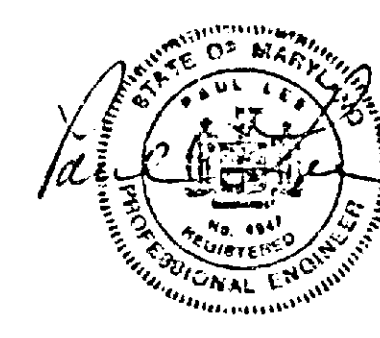
- N 25°12'30" West 73.46 feet
- N 36°15'40" West 73.87 feet and
- N 39°49'10" West 104.30 feet

thence leaving the paving of Sue Avenue

- S 53°15'00" West 98.44 feet
- S 36°45'00" East 250.00 feet and
- N 53°15'00" East 89.47 feet

to the point of beginning.

Containing 0.579 acre of land, more or less.



Engineers - Surveyors - Site Planners 9/26/85

OFFICE COPY

PETITION FOR ZONING VARIANCE 15th Election District

LOCATION: Beginning at West Side of Sue Avenue, approximately 400 feet North of the centerline of Sue Creek Drive

DATE AND TIME: Monday, February 24, 1986, at 9:30 a.m.

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Zoning Variances to permit front yard setbacks of 12 feet from proposed 40 feet right of way in lieu of the required 25 feet for Lots 1, 2, and 3.

Being the property of Harry Horney, as shown on plat plan filed with the Zoning Office.

In the event that this Petition(s) is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF
ARNOLD JARLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
Zoning Commissioner
Date February 13, 1986
Norman E. Gerber, AICP, Director
FROM: Office of Planning and Zoning
SUBJECT: Zoning Petitions No. 86-304-A, 86-314-A and 86-324-A

Please consider the Chesapeake Critical Area Review comments (see memo dated 2/10/86, Gerber to Jablon) to be the comments of this office.

Norman E. Gerber, AICP, Director

NEG:JGR:slm

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
Zoning Commissioner
Date February 10, 1986
Norman E. Gerber, AICP, Director
FROM: Office of Planning and Zoning
SUBJECT: Chesapeake Critical Area Review - Raymond Porter, et ux (86-307-A); The Owl Corp. (86-307-A); B.W. Pierce, Jr., et ux (86-324-A); A.F. Surguy, et ux (86-324-A); and H. Horney (86-314-A)

In regard to the Porter, et ux and the Owl Corp., it has been determined that these two petitions are consistent with the requirements of Critical Area statute without the need of mitigative or other management practices.

The H. Horney petition involves a wooded site with a number of specimen trees. This petition will be deemed to meet the requirements of the Critical Area statute, if as many trees as possible are conserved; this would require a simple plan showing the existing trees and indicating which ones are to be retained. In addition, a plan to protect the trees during construction is necessary. As a minimum, each lot should contain four major deciduous trees or eight conifers or 16 minor deciduous trees. Existing trees that are retained on-site can be utilized toward meeting this requirement. This tree allocation is based on 2,400 feet of area suitable for tree planting. At the petitioner's discretion, any mix or combination of plantings would be appropriate based on the formula of one major deciduous or two conifers or four minor deciduous trees for every 600 square feet of area.

The petitions of B. W. Pierce, Jr. and A. F. Surguy, et ux involve lots which are predominately or entirely clear of trees. With regard to the B. W. Pierce, Jr. petition, it has been determined that a combination of six large deciduous or 12 conifers or 24 small deciduous trees be planted based on an area of 3,600 square feet suitable for tree planting.

In regard to the A. F. Surguy petition, it is recommended, based on area suitable for tree planting of 600 square feet, that one major deciduous or two conifers or four minor deciduous trees be planted on each lot.

In regard to the H. Horney, B. W. Pierce, Jr., et ux and Surguy, et ux, petitions, it is recommended that infiltration of runoff from the lots' impervious surfaces be maximized by directing such runoff over the largest permeable area possible toward a suitable offsite location. This is greatly preferred as compared to outletting runoff directly onto walks, driveways or streets.

NEG/PJS/sl

cc: Mr. Tom Vidmar, Bureau of Engineering
People's Counsel
Ms. Jean M. H. Jung
Mr. J. Hoswell
Ms. Andrea J. Van Arsdal

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

January 29, 1986

Chairman

John R. Gontum, Esquire
609 Eastern Boulevard
Baltimore, Maryland 21221

RE: Item No. 191 - Case No. 86-314-A
Petitioner - Harry Horney
Variance Petition

Dear Mr. Gontum:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above-referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commission with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

James E. Dyer, Jr.
JAMES E. DYER, JR.
Chairman
Zoning Plans Advisory Committee

JED:mr

Enclosures

cc: Paul Lee Engineering, Inc.
304 W. Pennsylvania Avenue
Towson, Maryland 21204

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
TOWSON, MARYLAND 21204
494-3211
DIRECTOR GENERAL

JANUARY 23, 1986

(CRITICAL AREA)

Re: Zoning Advisory Meeting of DECEMBER 3, 1985
Item # 191
Property Owner: HARRY HORNEY
Location: SW SIDE OF SUE CREEK DRIVE,
400' N OF SUE CREEK DRIVE

Dear Mr. Jablon:

The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable:

- ☒ There are no site planning factors requiring comment.
- ☒ A County Review Group Meeting is required.
- ☒ A County Review Group Meeting was held and the minutes will be forwarded by the Bureau of Public Services.
- ☒ This site is part of a larger tract; therefore it is defined as a subdivision. The plan must show the entire tract.
- ☒ A record plat will be required and must be recorded prior to issuance of a building permit.
- ☒ The access is not satisfactory.
- ☒ The circulation on this site is not satisfactory.
- ☒ The parking arrangement is not satisfactory.
- ☒ Parking calculations must be shown on the plan.
- ☒ This property contains soils which are defined as wetlands, and development on these soils is prohibited.
- ☒ Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-98 of the Development Regulations.
- ☒ Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
- ☒ The amended Development Plan was approved by the Planning Board.
- ☒ Landscaping: Must comply with Baltimore County Landscape Manual, 8111 178-79. No building permits may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service is:
- ☒ The property is located in a traffic area controlled by a "T" level intersection as defined by 8111 178-79, and its conditions change the unsuitability usually by the County Council.
- ☒ THIS SITE IS LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA. ADDITIONAL COMMENTS WILL BE PROVIDED BY THE CRITICAL AREA PLANNING DIVISION.
- ☒ A MODIFIED WAIVER OF STANDARDS (ROAD IMPACTS) WAS GRANTED BY PLAN BOARD 7/18/85 SEE (W-85-111)

cc: James Horsey

Eugene A. Boser
Chief, Current Planning and Development

BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204-2586
494-4500

PAUL H. RENCKE
CHIEF

December 17, 1985

Mr. Arnold Jablon
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Attention: Nick Commodari, Chairman
Zoning Plans Advisory Committee

RE: Property Owner: Harry Horney

Location: SW side Sue Avenue, 400' N of Sue Creek Drive

Item No.: 191

Zoning Agenda: Meeting of December 3, 1985

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals of _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- () 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *John F. O'Neill* Noted and Approved: _____
Planning Group
Special Inspection Division

/mb

Case No. 86-314-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this
21st day of January, 1986.

Arnold Jablon
ARNOLD JABLON
Zoning Commissioner

Petitioner: Harry Horney
Petitioner's Attorney: John B. Gontum, Esquire
Received by: *James E. Dyer, Jr.*
Chairman, Zoning Plans Advisory Committee

BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204
494-3610

TED ZALESKI, JR.
DIRECTOR

December 23, 1985

Mr. Arnold Jablon, Zoning Commissioner
Office of Planning and Zoning
Towson, Maryland 21204

Dear Mr. Jablon:

Comments on Item # 191 Zoning Advisory Committee Meeting are as follows:
Property Owner: Harry Horney (CRITICAL AREA)
Location: SW side of Sue Avenue, 400' N of Sue Creek Drive
District: 15th Election District

APPLICABLE TYPES ARE CHECKED:

- ☒ All structures shall conform to the Baltimore County Building Code as adopted by Council Bill #17-81, the Maryland Code for the Handicapped and Age (A.R.S. 21-17, 1980) and other applicable Codes and Standards.
- ☒ A building and other miscellaneous permits shall be required before the start of any construction.
- ☒ Residential: Two sets of construction drawings are required to file a permit application. The seal of a registered in Maryland Architect or Engineer is not required on plans and technical data.
- ☒ Commercial: Three sets of construction drawings sealed and signed by a registered in Maryland Architect or Engineer shall be required to file with a permit application. Reproduced seals are not acceptable.
- ☒ All Use Groups except R-4 Single Family Detached Dwellings require a minimum of 1 hour fire rating for exterior walls closer than 6'-0" to an interior lot line. R-4 Use Groups require a one hour wall if closer than 3'-0" to an interior lot line. Any wall built on an interior lot line shall require a fire or party exterior wall within 3'-0" of an interior lot line.
- ☒ The structure does not appear to comply with Table 205 for permissible height/area. Reply to the requested variance by this office cannot be considered until the necessary data pertaining to height/area and construction type is provided. See Table 101 and 505 and have your Architect/Engineer contact this department.
- ☒ The requested variance appears to conflict with Section(s) _____ of the Baltimore County Building Code.
- ☒ When filing for a required Change of Use/Occupancy Permit, an alteration permit application shall also be filed along with the Change of Use/Occupancy Permit. The alteration permit application shall also be altered in order to comply with the Code requirements for the new use. Maryland Architectural or Engineering seals are usually required. The change of the Use Group is from Use _____ to Use _____ or to Mixed Use _____ See Section 312 of the Baltimore Code.
- ☒ The proposed project appears to be located in a Flood Plain, Flood Hazard. Please see the attached copy of Section 516.0 of the Building Code as adopted by Bill #17-85. All plans shall show the correct elevations above sea level for the lot and the finish floor levels including basement.
- ☒ Comments:
- ☒ These abbreviated comments reflect only on the information provided by the drawings submitted to the Office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired the applicant may obtain additional information by visiting Room 112 of the County Office Building at 111 W. Chesapeake Avenue, Towson, Maryland 21204.

By: *Charles E. Lumbard*
Charles E. Lumbard
Public Works Director

L72/85

BALTIMORE COUNTY
DEPARTMENT OF TRAFFIC ENGINEERING
TOWSON, MARYLAND 21204
494-3350

STEPHEN E. COLLINS
DIRECTOR

January 7, 1986

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Item No. -ZAC- Meeting of November 3, 1985
Property Owner:
Location:
Existing Zoning:
Proposed Zoning:

Acres:

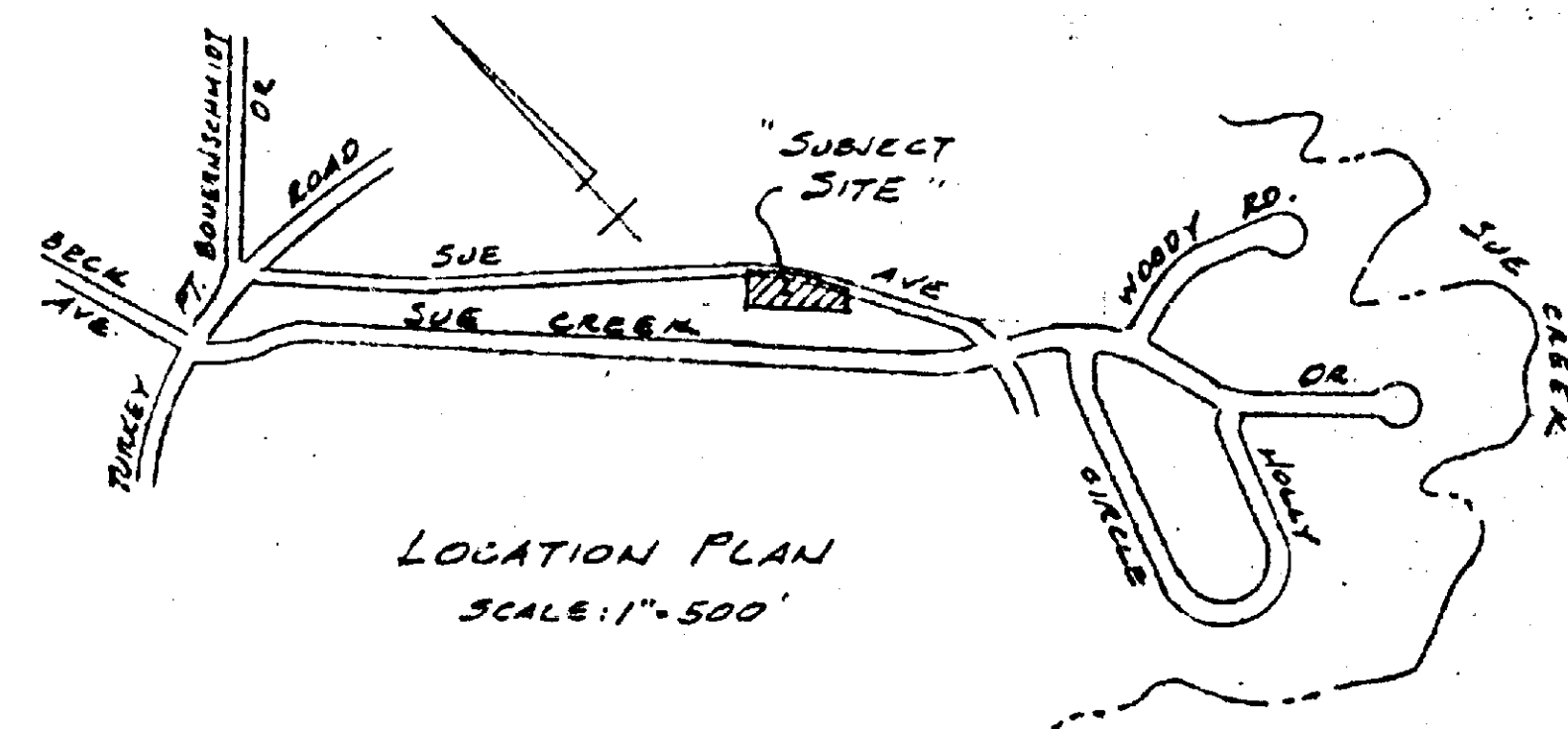
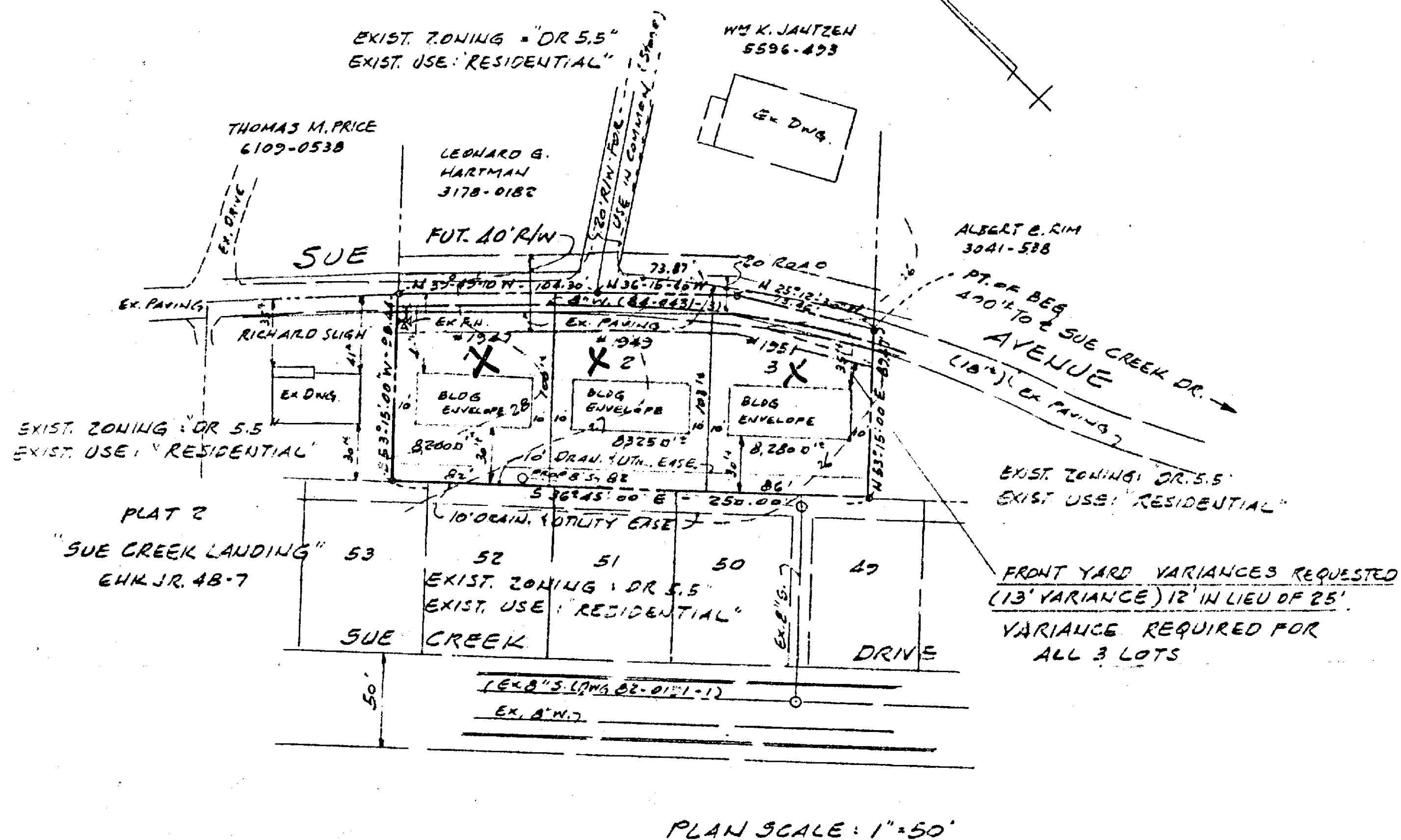
District:

Dear Mr. Jablon:

The department of Traffic Engineering has no comments for items number 190, 191, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, and 206.

Michael S. Flanagan
Michael S. Flanagan
Traffic Engineer Associate II

MSF/Lld



GENERAL NOTES

1. AREA OF PROPERTY = 0.579 AC.±
2. EXIST. ZONING OF PROPERTY = "DR. 5.5"
3. EXIST. USE OF PROPERTY = "VACANT"
4. PROP. ZONING OF PROPERTY = "DR. 5.5"
5. PROP. USE OF PROPERTY = "RESIDENTIAL LOTS"
6. NO. OF LOTS PROPOSED (0.579) (5.5) = 3
7. PETITIONER REQUESTING A VARIANCE TO SECTION 1802.3.C(1) OF ZONING REGULATION TO PERMIT FRONT YARD SETBACKS OF 12' FROM FUTURE 40' ROAD R/W INSTEAD OF 25' (A VARIANCE OF 13')
8. PUBLIC UTILITIES AVAILABLE TO SITE.
9. PROPERTY IS LOCATED IN THE "MIDDLE RIVER" WATERSHED.

PLAT TO ACCOMPANY PETITION

FOR

FRONT YARD VARIANCES

0.579 AC.± PARCEL - SUE AVENUE

15TH ELECT. DIST

BALTIMORE CO., MD

SCALE: 1"=50'

SEPT. 9, 1985

OWNER

HARRY HORNEY
2014 MIDDLEBOROUGH RD.
BALTIMORE, MARYLAND 21221

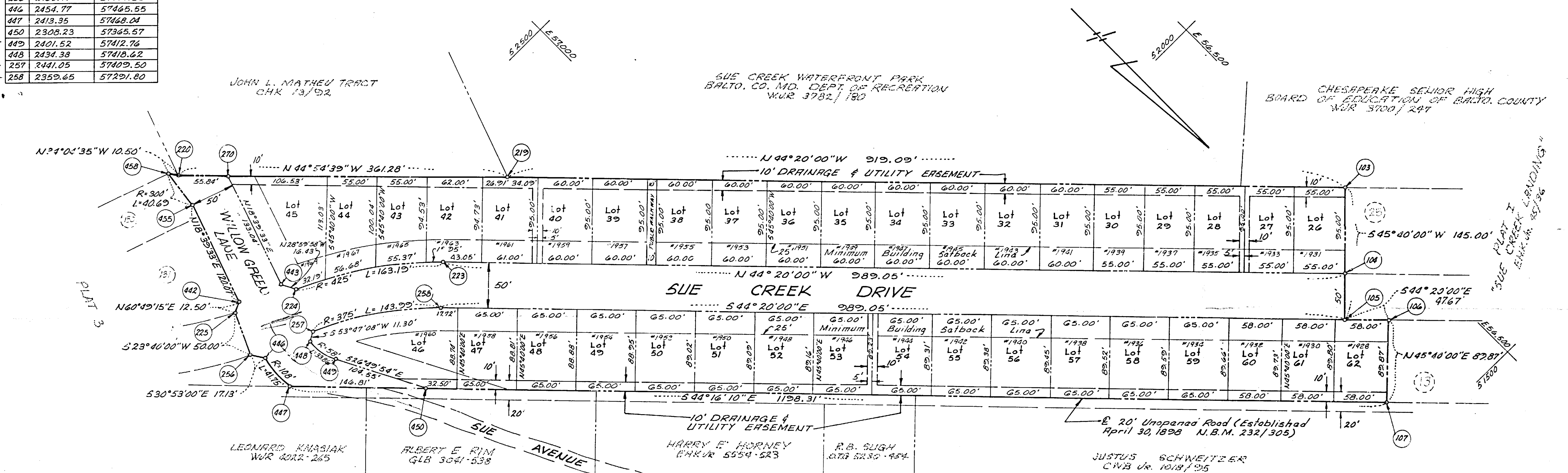
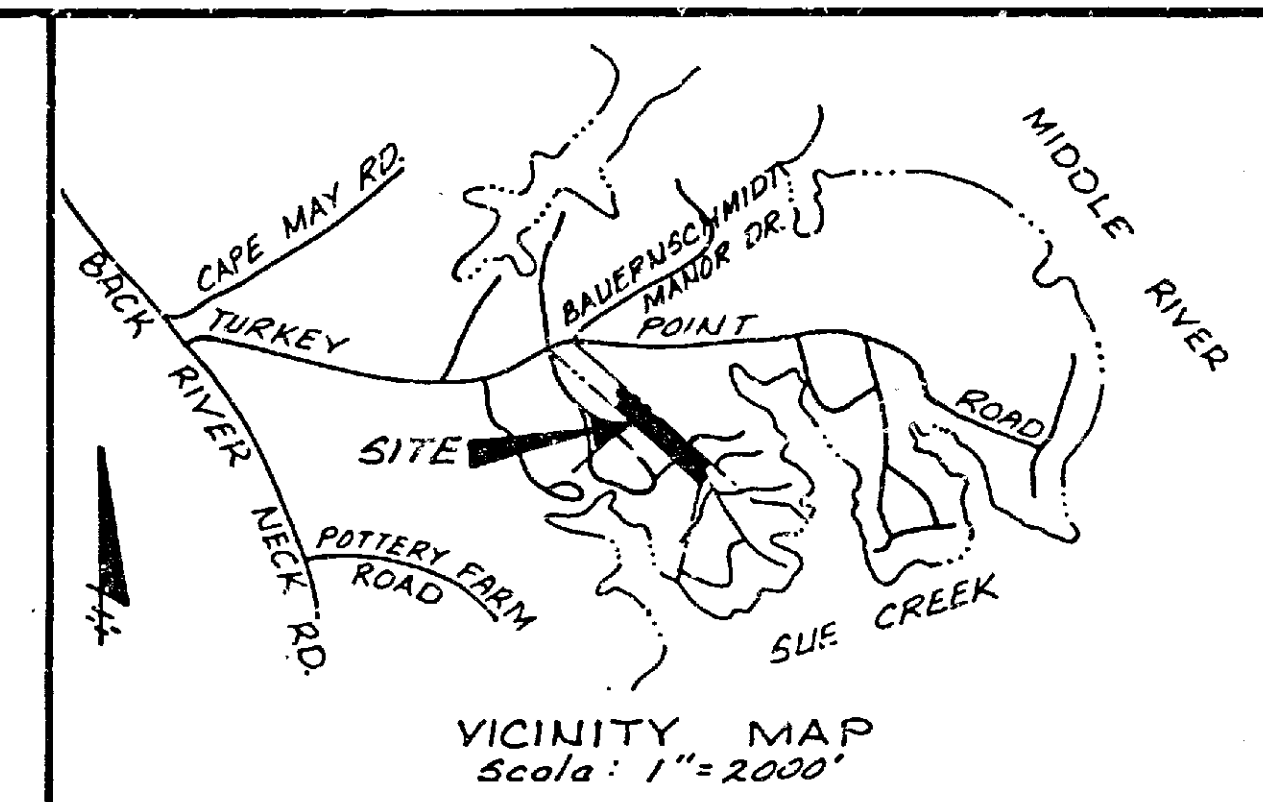
PAUL LEE ENGINEERING, INC.
304 W. PENNSYLVANIA AVE.
TOWSON, MARYLAND 21204

PETITIONER'S
EXHIBIT 1

191

NO.	SOUTH	EAST
103	1753.52	56496.90
104	1687.13	56564.85
105	1652.19	56600.62
106	1618.09	56667.30
107	1555.29	56631.58
223	2394.59	57256.04
224	2486.84	57389.43
443	2501.21	57397.39
219	2410.94	57139.19
270	2627.26	57354.83
220	2666.80	57394.25
442	2521.36	57443.36
225	2515.26	57454.28
254	2469.47	57474.35
446	2454.77	57465.55
447	2413.35	57468.04
450	2308.23	57365.57
449	2401.52	5742.76
448	2434.38	57418.62
257	2441.05	57409.50
258	2359.65	57291.80

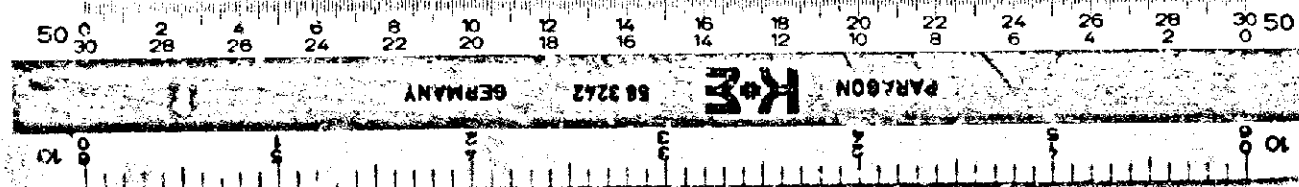
CURVE	Δ	RADIUS	LENGTH	TANG.	BEARING & LONG CHORD
223-224	22°00'00"	425.00'	163.19'	82.61'	S 55°20'00"E 162.19'
258-257	22°00'00"	375.00'	143.99'	72.89'	S 55°20'00"E 143.11'
448-447	33°26'39"	58.00'	33.86'	17.43'	N 10°06'35"W 33.38'
446-447	22°08'56"	108.00'	41.75'	21.14'	N 03°26'26"E 41.49'



NOTE: THIS PLAT IS SUBJECT TO BALTIMORE COUNTY COUNCIL BILL 61-79 (SECT. 22, 31.1) OF THE BALTIMORE COUNTY CODE RELATIVE TO THE LAPSE AND REVOCATION OF A RECORDED PLAT

NOTES:
 BEARINGS AND COORDINATES SHOWN ON THIS PLAT ARE REFERRED TO BALTIMORE COUNTY METROPOLITAN DISTRICT GRID. TYPICAL STA. 49113 E X 3012
 STREETS AND/OR ROADS SHOWN HEREON AND MENTION THEREOF IN DEEDS ARE FOR PURPOSES OF DESCRIPTION ONLY, AND THE SAME ARE NOT INTENDED TO BE DEDICATED TO PUBLIC USE. THE FREE SIMPLE TITLE TO THE DEED THEREOF IS EXPRESSLY PRESERVED IN THE CAPTIONS OF THE DEED TO WHICH THIS PLAT IS ATTACHED THEREIN BEING AND ASSIGNING.
 HIGHWAY AND HIGHWAY WIDENING, EASE, DRAINAGE AND UTILITY EASEMENTS SHOWN HEREON ARE REFERRED TO THE DEVELOPER AND ARE HEREBY OFFERED FOR DEDICATION TO BALTIMORE COUNTY. THE DEVELOPER, HIS PERSONAL REPRESENTATIVES AND ASSIGNS SHALL CONVEY AND APPEAR BY DEED TO BALTIMORE COUNTY MAPPLAND, AT NO COST.
 FOR PARADE LOTS PERUSE COLLECTOR, SIGN REMOVAL AND ROADWAY, TENCING ARE PROVIDED TO THE JOINTION OF THE PARADE LOTS AND THE STREET RIGHT-OF-WAY LINE ONLY, AND NOT OUT TO THE PARADE LOT DRIVEWAY.

DENSITY CALCULATIONS
 Zone DR 5.5
 AREA OF PROPERTY = 6.667 AC.
 NUMBER OF LOTS = 37
 DENSITY = 37/6.667 = 5.5 Lots/Acre



HIGHWAY'S DEPARTMENT OF BALTIMORE COUNTY APPROVED FOR STREET ALIGNMENT & LOCATION
 DATE 5/20/81
 APPROVED FOR BALTIMORE COUNTY HEALTH DEPARTMENT
 DEPUTY STATE & COUNTY HEALTH OFFICER DATE 5/20/81
 APPROVED FOR BALTIMORE COUNTY PLANNING DEPARTMENT
 DIRECTOR DATE 5/20/81

OWNER'S CERTIFICATE
 THE REQUIREMENTS OF SECTION 59 TO 62, ARTICLE 17 OF THE ANNOTATED CODE OF MARYLAND 1957 EDITION (TITLE: CLERKS OF THE COURT, SUB-TITLE: CLERKS OF THE CIRCUIT COURTS) AS FAR AS THEY RELATE TO THE MAKING OF THIS PLAT AND THE SETTING OF MARKERS HAVE BEEN COMPLIED WITH.
 DATE 3-28-81
 OWNER

SURVEYOR'S CERTIFICATE:
 I, E.F. MAPHEL, A REGISTERED PROFESSIONAL SURVEYOR OF THE STATE OF MARYLAND, DO HEREBY CERTIFY THAT THE LAND SHOWN HEREON HAS BEEN Laid Out AND THE PLAT THEREOF PREPARED IN ACCORDANCE WITH THE PROVISIONS OF THE LAW RELATIVE TO THE SUBDIVISION OF LAND KNOWN AS HOUSE BILL NO. 459 CH. 1010 OF THE ACTS OF 1945 AND SUBSEQUENT ACTS AMENDATORY THEREOF.
 DATE 3-28-81
 REGISTERED PROFESSIONAL SURVEYOR #2246

PLAT 2
"SUE CREEK LANDING"
 15TH ELECT. DIST.
 SCALE: 1" = 50'
 BALTIMORE COUNTY, MD.
 DATE: MARCH 5, 1981

E.H.K. JR. 48 FOLIO 7
 Filed for record
 Date JUL 15 1981
 Test
 Clerk

EXHIBIT 2

DEED REF: EHKJR 6013/82

E.F. MAPHEL & ASSOCIATES
 REGISTERED PROFESSIONAL LAND SURVEYORS
 201 COURTLAND AVENUE
 TOWSON, MARYLAND 21204

158101.046
 Planning
 Engineering
 Surveying
 158101.046

MAP 55-13
4B
E.D. 15
DATE 12-11-86
200 ✓
1000 ✓
DP

Harry Horney
Beg. at W/S Sue Ave. approx. 400' N of
centerline of Sue Creek Dr.
15th Dist.

191 46-311-A PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1B0.2.3.C(1) of the B.C.Z.R. to permit a front yard setback of 12 feet from proposed 40-foot right-of-way in lieu of the required 25 feet.

Due to proposed right of way modifications the lots would be undevelopable in a manner compatible with the neighborhood unless the variance requested is granted.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:	Legal Owner(s):
Harry Horney	Harry Horney
(Type or Print Name)	(Type or Print Name)
Signature	Signature
Address	Address
City and State	City and State
Attorney for Petitioner:	2014 Middleborough Rd
John B. Gontrum	Address
(Type or Print Name)	Phone No.
Signature	Baltimore, Maryland 21221
Address	City and State
809 Eastern Blvd	Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Address	John B. Gontrum
Baltimore, Maryland 21221	Name
City and State	Address
Attorney's Telephone No.: 686-8274	686-8274
	Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 21st day of January, 1986, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County on the 24th day of February, 1986, at 9:30 o'clock.

(over)

ORDER RECEIVED FOR FILING
DATE January 28, 1986
BY [Signature]

IN RE: PETITION ZONING VARIANCE
Beginning at the W/S of Sue Avenue, approx. 400' N of the centerline of Sue Creek Drive - 15th Election District
Harry Horney, Petitioner
* * * * *

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 86-314-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit a front yard setback of 12 feet from the proposed 40-foot right of way instead of the required 25 feet, as more particularly described on Petitioner's Exhibit 1.

The Petitioner appeared and testified and was represented by Counsel. Paul Lee, a registered civil engineer, testified on behalf of the Petitioner. Paul Glagola, Mark Wagner, and his parents, Frederick and Phyllis Wagner, appeared in opposition. William Geiger, another area resident, appeared but not in opposition.

Testimony indicated that the subject property, zoned D.R.5.5 and containing approximately 0.6 acres, is located on Sue Avenue and is presently unimproved. The Petitioner proposes to subdivide the property into three building lots. Sue Avenue is a paved street, approximately 18 feet wide, from Turkey Point Road to Sue Creek Drive. The County requires a 40-foot right for the future widening of Sue Avenue. The building envelopes for each lot are in line with the existing home on Sue Avenue, i.e., each 35 feet to 40 feet from the front building line to the centerline of Sue Avenue. Each envelope is approximately the same size as existing homes in the area. The proposed right of way, however, will take over 20 feet and leave only 12 feet from the proposed dwelling to the front property line instead of the required 25 feet.

ORDER RECEIVED FOR FILING
DATE January 28, 1986
BY [Signature]

Mr. Lee testified that a variance, either to the front yard or to the rear yard, would be required regardless of whether one house or three houses were constructed. Without a variance, it would be impossible to utilize the property.

Mr. Glagola, Mr. Wagner, and Mr. Geiger are all adjacent property owners to the rear of the subject property whose lots front on Sue Creek Drive. Their rear yards adjoin the rear of the proposed homes. They object, quite honestly, because they had hoped the site would remain undeveloped. They are also concerned about the storm drain and sewer systems. Mr. Geiger was not objecting to the proposed dwelling; however, he was concerned about any screening between his property and the subject property.

The Petitioner seeks relief from Section 1B02.3.C(1), pursuant to Section 307, Baltimore County Zoning Regulations (BCZR).

An area variance may be granted where strict application of the zoning regulation would cause practical difficulty to the petitioner and his property. *McLean v. Soley*, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the petitioner must meet the following:

- whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

ORDER RECEIVED FOR FILING
DATE January 28, 1986
BY [Signature]

It is clear from the testimony that if the variance were granted, such use as proposed would not be contrary to the spirit of the BCZR and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the instant variance were not granted. It has been established that the requirement from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 28th day of February, 1986, that the Petition for Zoning Variance to permit a front yard setback of 12 feet from the proposed 40-foot right of way instead of the required 25 feet be and is hereby GRANTED, from and after the date of this Order, subject, however, to the following restrictions:

- The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- The Petitioner shall comply with the comments from the Director of Planning, dated February 10, 1986, which make recommendations as to the satisfaction of the Chesapeake Bay Critical Area requirements. Said comments, as they relate to the instant property, are adopted in their entirety and made a part of this Order.

ORDER RECEIVED FOR FILING
DATE January 28, 1986
BY [Signature]

- After consulting with the owners of Lots 49, 50, 51, 52, and 53, Sue Creek Road, the Petitioner shall place appropriate screening, as approved by the Zoning Commissioner, on the rear property line separating these lots from the subject property, as well as that which is required by the Critical Areas regulations.

[Signature]
Zoning Commissioner of Baltimore County

AJ/srl
cc: John B. Gontrum, Esquire
Mr. Paul Glagola
Mr. Mark Wagner
People's Counsel

ORDER RECEIVED FOR FILING
DATE January 28, 1986
BY [Signature]

Paul Lee P.E.
Paul Lee Engineering Inc.
301 W. Pennsylvania Ave.
Towson, Maryland 21204
301 821-5941

DESCRIPTION 0.579 ACRE PARCEL - SUE AVENUE - FIFTEENTH ELECTION DISTRICT - BALTIMORE COUNTY, MARYLAND

Beginning for the same at a point said point being located in the paving of Sue Avenue 400 feet ± north of the intersection with the center of Sue Creek Drive, thence binding in the paving of Sue Avenue the three following courses and distances:

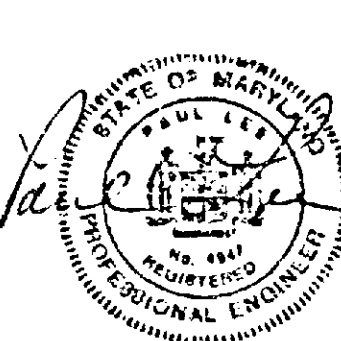
- N 25°12'30" West 73.46 feet
- N 36°15'40" West 73.87 feet and
- N 39°49'10" West 104.30 feet

thence leaving the paving of Sue Avenue

- S 53°15'00" West 98.44 feet
- S 36°45'00" East 250.00 feet and
- N 53°15'00" East 89.47 feet

to the point of beginning.

Containing 0.579 acre of land, more or less.



Engineers - Surveyors - Site Planners 9/26/85

OFFICE COPY

PETITION FOR ZONING VARIANCE 15th Election District

LOCATION: Beginning at West Side of Sue Avenue, approximately 400 feet North of the centerline of Sue Creek Drive

DATE AND TIME: Monday, February 24, 1986, at 9:30 a.m.

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Zoning Variances to permit front yard setbacks of 12 feet from proposed 40 feet right of way in lieu of the required 25 feet for Lots 1, 2, and 3.

Being the property of Harry Horney, as shown on plat plan filed with the Zoning Office.

In the event that this Petition(s) is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF
ARNOLD JARLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
Zoning Commissioner
Date February 13, 1986
Norman E. Gerber, AICP, Director
FROM: Office of Planning and Zoning
SUBJECT: Zoning Petitions No. 86-304-A, 86-314-A and 86-324-A

Please consider the Chesapeake Critical Area Review comments (see memo dated 2/10/86, Gerber to Jablon) to be the comments of this office.

Norman E. Gerber, AICP, Director

NEG:JGR:slm

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
Zoning Commissioner
Date February 10, 1986
Norman E. Gerber, AICP, Director
FROM: Office of Planning and Zoning
SUBJECT: Chesapeake Critical Area Review - Raymond Porter, et ux (86-307-A); The Owl Corp. (86-307-A); B.W. Pierce, Jr., et ux (86-324-A); A.F. Surguy, et ux (86-324-A); and H. Horney (86-314-A)

In regard to the Porter, et ux and the Owl Corp., it has been determined that these two petitions are consistent with the requirements of Critical Area statute without the need of mitigative or other management practices.

The H. Horney petition involves a wooded site with a number of specimen trees. This petition will be deemed to meet the requirements of the Critical Area statute, if as many trees as possible are conserved; this would require a simple plan showing the existing trees and indicating which ones are to be retained. In addition, a plan to protect the trees during construction is necessary. As a minimum, each lot should contain four major deciduous trees or eight conifers or 16 minor deciduous trees. Existing trees that are retained on-site can be utilized toward meeting this requirement. This tree allocation is based on 2,400 feet of area suitable for tree planting. At the petitioner's discretion, any mix or combination of plantings would be appropriate based on the formula of one major deciduous or two conifers or four minor deciduous trees for every 600 square feet of area.

The petitions of B. W. Pierce, Jr. and A. F. Surguy, et ux involve lots which are predominately or entirely clear of trees. With regard to the B. W. Pierce, Jr. petition, it has been determined that a combination of six large deciduous or 12 conifers or 24 small deciduous trees be planted based on an area of 3,600 square feet suitable for tree planting.

In regard to the A. F. Surguy petition, it is recommended, based on area suitable for tree planting of 600 square feet, that one major deciduous or two conifers or four minor deciduous trees be planted on each lot.

In regard to the H. Horney, B. W. Pierce, Jr., et ux and Surguy, et ux petitions, it is recommended that infiltration of runoff from the lots' impervious surfaces be maximized by directing such runoff over the largest permeable area possible toward a suitable offsite location. This is greatly preferred as compared to outletting runoff directly onto walks, driveways or streets.

NEG/PJS/sl

cc: Mr. Tom Vidmar, Bureau of Engineering
People's Counsel
Ms. Jean M. H. Jung
Mr. J. Hoswell
Ms. Andrea J. Van Arsdale

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

January 29, 1986

Chairman

John R. Gontum, Esquire
609 Eastern Boulevard
Baltimore, Maryland 21221

RE: Item No. 191 - Case No. 86-314-A
Petitioner - Harry Horney
Variance Petition

Dear Mr. Gontum:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above-referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commission with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

James E. Dyer, Jr.
JAMES E. DYER, JR.
Chairman
Zoning Plans Advisory Committee

JED:mr

Enclosures

cc: Paul Lee Engineering, Inc.
304 W. Pennsylvania Avenue
Towson, Maryland 21204

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
TOWSON, MARYLAND 21204
494-3211
DIRECTOR GENERAL

JANUARY 23, 1986

(CRITICAL AREA)

Re: Zoning Advisory Meeting of DECEMBER 3, 1985
Item # 191
Property Owner: HARRY HORNEY
Location: SW SIDE OF SUE CREEK DRIVE,
400' N OF SUE CREEK DRIVE

Dear Mr. Jablon:

The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable:

- ☒ There are no site planning factors requiring comment.
- ☒ A County Review Group Meeting is required.
- ☒ A County Review Group Meeting was held and the minutes will be forwarded by the Bureau of Public Services.
- ☒ This site is part of a larger tract; therefore it is defined as a subdivision. The plan must show the entire tract.
- ☒ A record plat will be required and must be recorded prior to issuance of a building permit.
- ☒ The access is not satisfactory.
- ☒ The circulation on this site is not satisfactory.
- ☒ The parking arrangement is not satisfactory.
- ☒ Parking calculations must be shown on the plan.
- ☒ This property contains soils which are defined as wetlands, and development on these soils is prohibited.
- ☒ Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-98 of the Development Regulations.
- ☒ Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
- ☒ The amended Development Plan was approved by the Planning Board.
- ☒ Landscaping: Must comply with Baltimore County Landscape Manual, 8111 178-79. No building permits may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service is:
- ☒ The property is located in a traffic area controlled by a "T" level intersection as defined by 8111 178-79, and its conditions change the unsuitability of the site for the proposed use.
- ☒ THIS SITE IS LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA. ADDITIONAL COMMENTS WILL BE PROVIDED BY THE CRITICAL AREA PLANNING DIVISION.
- ☒ A MODIFIED WAIVER OF STANDARDS (ROAD IMPACTS) WAS GRANTED BY PLAN BOARD 7/18/85 SEE (W-85-111)

cc: James Horsey

Eugene A. Boser
Chief, Current Planning and Development

BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204-2586
494-4500

PAUL H. RENCKE
CHIEF

December 17, 1985

Mr. Arnold Jablon
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Attention: Nick Commodari, Chairman
Zoning Plans Advisory Committee

RE: Property Owner: Harry Horney

Location: SW side Sue Avenue, 400' N of Sue Creek Drive

Item No.: 191

Zoning Agenda: Meeting of December 3, 1985

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals of _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.

- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 edition prior to occupancy.

- () 6. Site plans are approved, as drawn.

- () 7. The Fire Prevention Bureau has no comments on this plan.

REVIEWER: *John F. O'Neill* Noted and Approved: _____
Planning Group
Special Inspection Division

/mb

Case No. 86-314-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this
21st day of January, 1986.

Arnold Jablon
ARNOLD JABLON
Zoning Commissioner

Petitioner: Harry Horney
Petitioner's Attorney: John B. Gontum, Esquire

Received by: *James E. Dyer, Jr.*
Chairman, Zoning Plans
Advisory Committee

BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204
494-3610

TED ZALESKI, JR.
DIRECTOR

December 23, 1985

Mr. Arnold Jablon, Zoning Commissioner
Office of Planning and Zoning
Towson, Maryland 21204

Dear Mr. Jablon:

Comments on Item # 191 Zoning Advisory Committee Meeting are as follows:
Property Owner: Harry Horney (CRITICAL AREA)
Location: SW side of Sue Avenue, 400' N of Sue Creek Drive
District: 15th Election District

APPLICABLE TYPES ARE CHECKED:

- () All structures shall conform to the Baltimore County Building Code as adopted by Council Bill #17-81, the Maryland Code for the Handicapped and Age (A.R.S. 21-17, 1980) and other applicable Codes and Standards.
- () A building and other miscellaneous permits shall be required before the start of any construction.
- () Residential: Two sets of construction drawings are required to file a permit application. The seal of a registered in Maryland Architect or Engineer is not required on plans and technical data.
- () Commercial: Three sets of construction drawings sealed and signed by a registered in Maryland Architect or Engineer shall be required to file with a permit application. Reproduced seals are not acceptable.
- () All Use Groups except R-4 Single Family Detached Dwellings require a minimum of 1 hour fire rating for exterior walls closer than 6'-0" to an interior lot line. R-4 Use Groups require a one hour wall if closer than 3'-0" to an interior lot line. Any wall built on an interior lot line shall require a fire or party exterior wall within 3'-0" of an interior lot line.
- () The structure does not appear to comply with Table 205 for permissible height/area. Reply to the requested variance by this office cannot be considered until the necessary data pertaining to height/area and construction type is provided. See Table 101 and 505 and have your Architect/Engineer contact this department.
- () The requested variance appears to conflict with Section(s) _____ of the Baltimore County Building Code.
- () When filing for a required Change of Use/Occupancy Permit, an alteration permit application shall also be filed along with the Change of Use/Occupancy Permit. The alteration permit application shall also be altered in order to comply with the Code requirements for the new use. Maryland Architectural or Engineering seals are usually required. The change of the Use Groups are from Use _____ to Use _____ or to Mixed Use _____ See Section 312 of the Baltimore Code.
- () The proposed project appears to be located in a Flood Plain, Flood Hazard. Please see the attached copy of Section 516.0 of the Building Code as adopted by Bill #17-85. All plans shall show the correct elevations above sea level for the lot and the finish floor levels including basement.
- () Comments:
- () These abbreviated comments reflect only on the information provided by the drawings submitted to the Office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired the applicant may obtain additional information by visiting Room 112 of the County Office Building at 111 W. Chesapeake Avenue, Towson, Maryland 21204.

By: *Charles E. Lumbard*
Charles E. Lumbard
Public Works Director

L72/85

BALTIMORE COUNTY
DEPARTMENT OF TRAFFIC ENGINEERING
TOWSON, MARYLAND 21204
494-3550

STEPHEN E. COLLINS
DIRECTOR

January 7, 1986

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Item No. -ZAC- Meeting of November 3, 1985
Property Owner:
Location:
Existing Zoning:
Proposed Zoning:

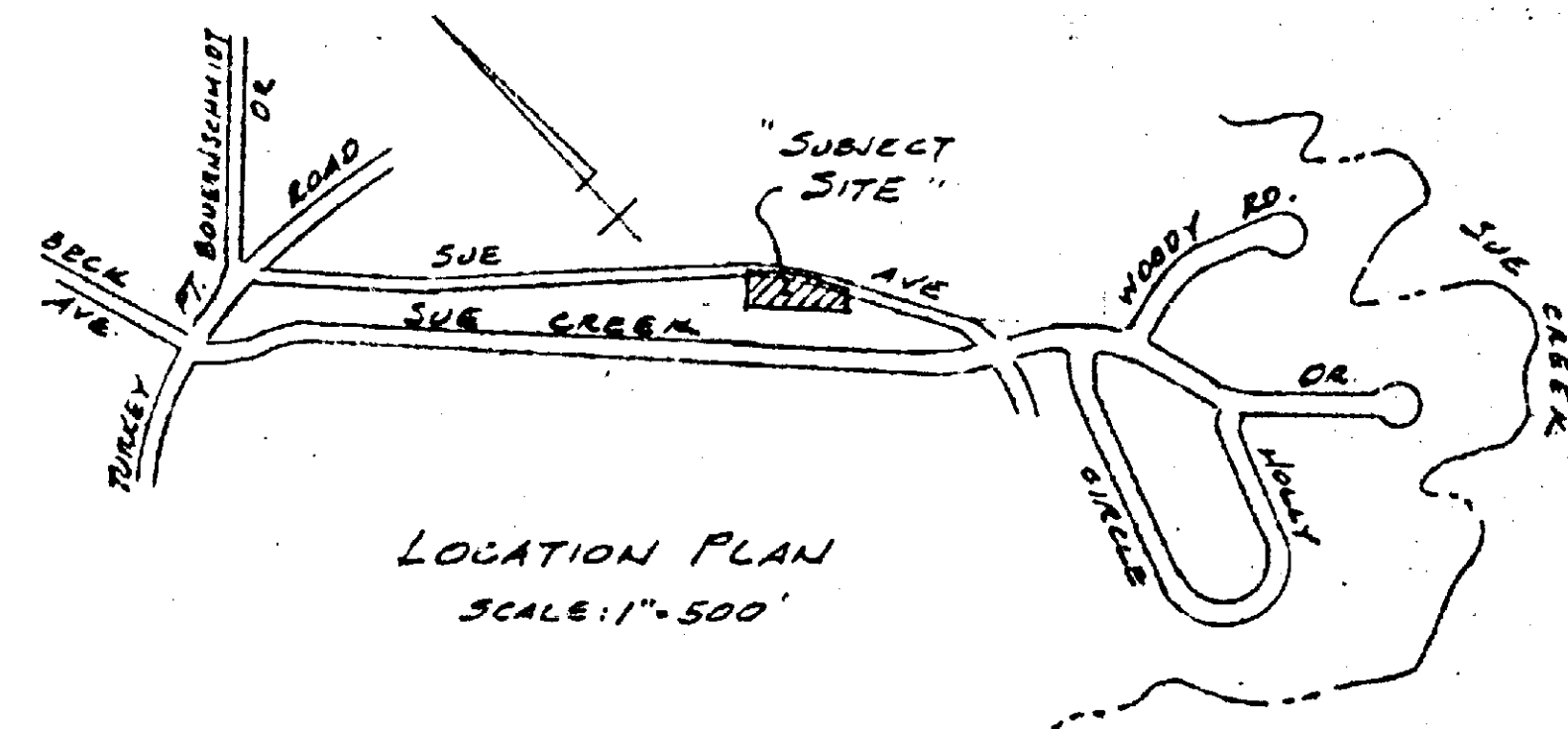
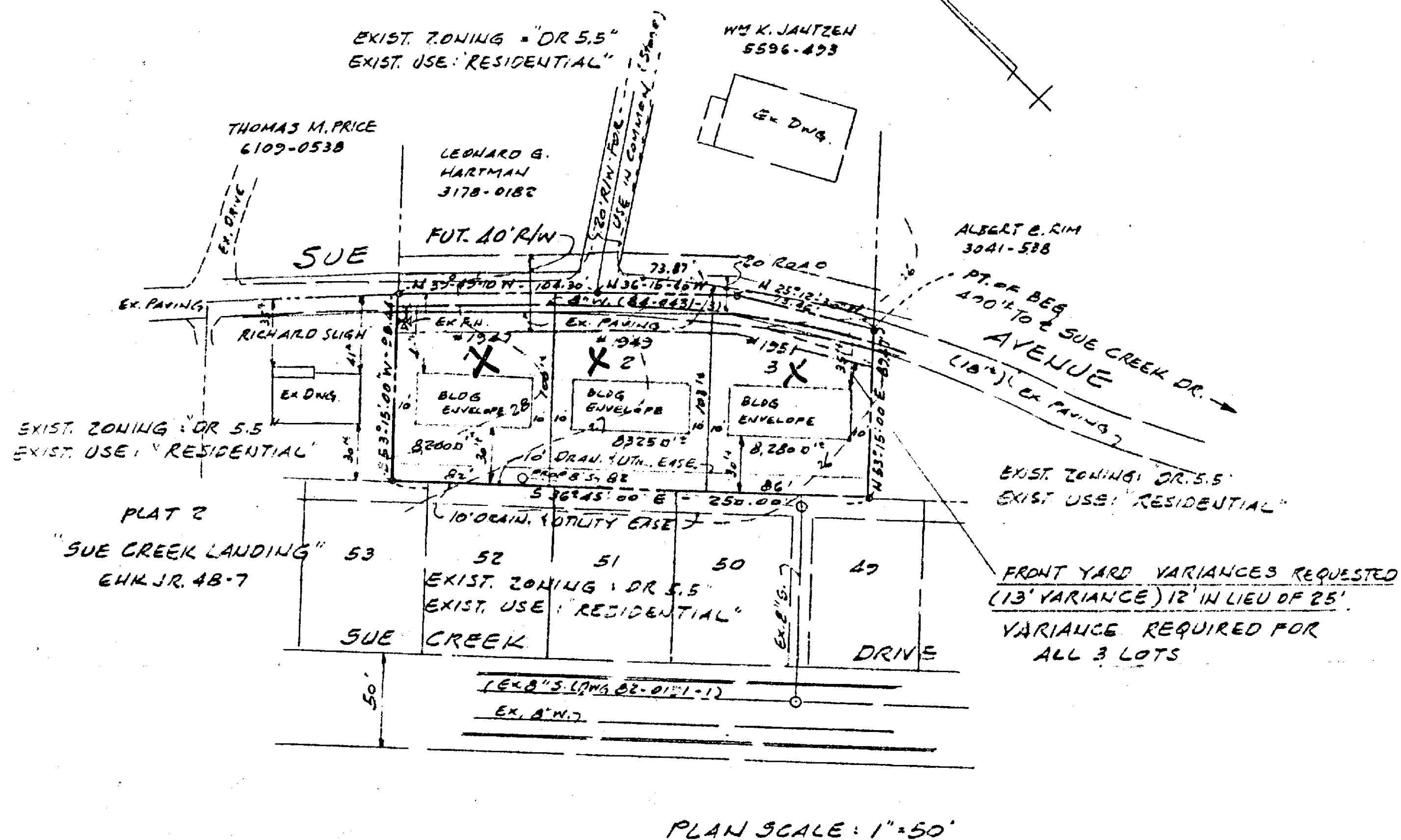
Acres:
District:

Dear Mr. Jablon:

The Department of Traffic Engineering has no comments for items number 190, 191, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, and 206.

Michael S. Flanagan
Michael S. Flanagan
Traffic Engineer Associate II

MSF/Lld



GENERAL NOTES

1. AREA OF PROPERTY = 0.579 AC.±
2. EXIST. ZONING OF PROPERTY = "DR. 5.5"
3. EXIST. USE OF PROPERTY = "VACANT"
4. PROP. ZONING OF PROPERTY = "DR. 5.5"
5. PROP. USE OF PROPERTY = "RESIDENTIAL LOTS"
6. NO. OF LOTS PROPOSED (0.579) (5.5) = 3
7. PETITIONER REQUESTING A VARIANCE TO SECTION 1802.3.C(1) OF ZONING REGULATION TO PERMIT FRONT YARD SETBACKS OF 12' FROM FUTURE 40' ROAD R/W INSTEAD OF 25' (A VARIANCE OF 13')
8. PUBLIC UTILITIES AVAILABLE TO SITE.
9. PROPERTY IS LOCATED IN THE "MIDDLE RIVER" WATERSHED.

PLAT TO ACCOMPANY PETITION

FOR

FRONT YARD VARIANCES

0.579 AC.± PARCEL - SUE AVENUE

15TH ELECT. DIST

SCALE: 1"=50'

BALTIMORE CO., MD

SEPT. 9, 1985

OWNER

HARRY HORNEY
2014 MIDDLEBOROUGH RD.
BALTIMORE, MARYLAND 21221

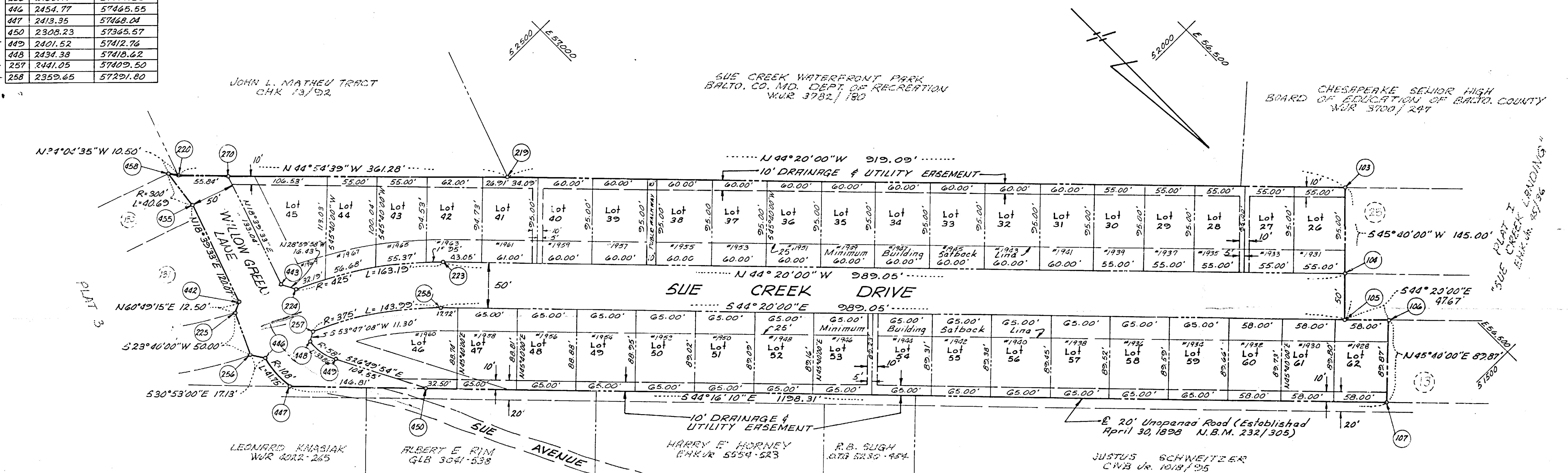
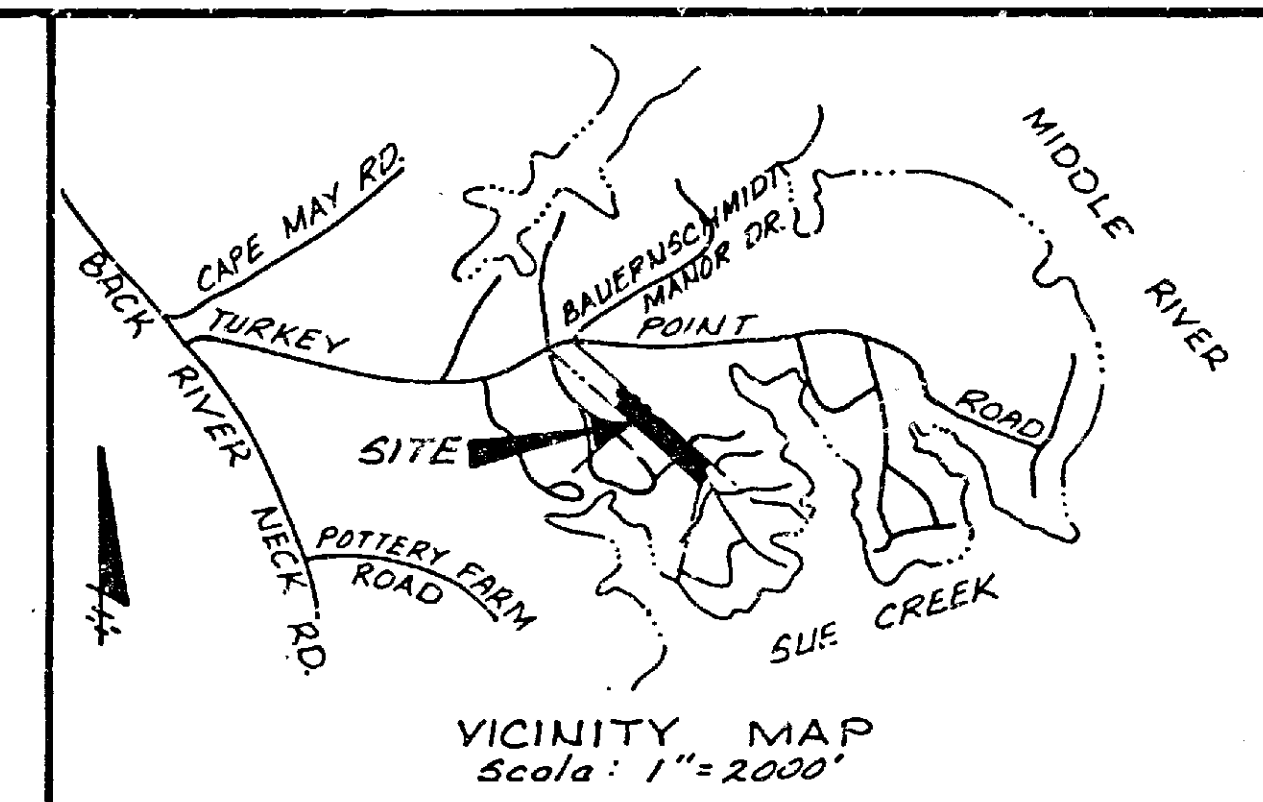
PAUL LEE ENGINEERING, INC.
304 W. PENNSYLVANIA AVE.
TOWSON, MARYLAND 21204

PETITIONER'S
EXHIBIT 1

191

NO.	SOUTH	EAST
103	1753.52	56496.90
104	1687.13	56564.85
105	1652.19	56600.62
106	1618.09	56667.30
107	1555.29	56631.58
223	2394.59	57256.04
224	2486.84	57389.43
443	2501.21	57397.39
219	2410.94	57139.19
270	2627.26	57354.83
220	2666.80	57394.25
442	2521.36	57443.36
225	2515.26	57454.28
254	2469.47	57474.35
446	2454.77	57465.55
447	2413.35	57468.04
450	2308.23	57365.57
449	2401.52	5742.76
448	2434.38	57418.62
257	2441.05	57409.50
258	2359.65	57291.80

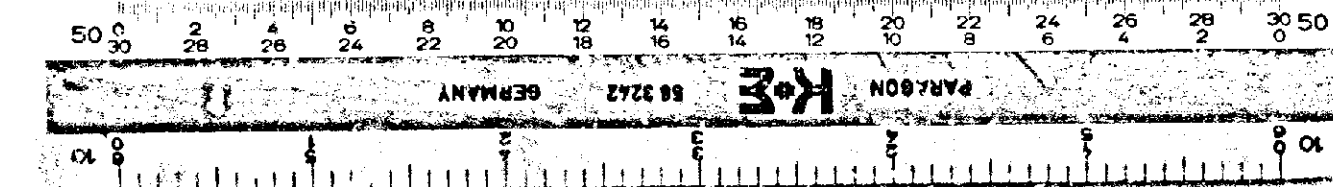
CURVE	Δ	RADIUS	LENGTH	TANG.	BEARING & LONG CHORD
223-224	22°00'00"	425.00'	163.19'	82.61'	S 55°20'00"E 162.19'
258-257	22°00'00"	375.00'	143.99'	72.89'	S 55°20'00"E 143.11'
448-447	33°26'39"	58.00'	33.86'	17.43'	N 10°06'35"W 33.38'
446-447	22°08'56"	108.00'	41.75'	21.14'	N 03°26'26"E 41.49'



NOTE: THIS PLAT IS SUBJECT TO BALTIMORE COUNTY COUNCIL BILL 61-79 (SECT. 22, 31.1) OF THE BALTIMORE COUNTY CODE RELATIVE TO THE LAPSE AND REVOCATION OF A RECORDED PLAT

NOTES:
 BEARINGS AND COORDINATES SHOWN ON THIS PLAT ARE REFERRED TO BALTIMORE COUNTY METROPOLITAN DISTRICT GRID. TYPICAL STA. 49113 E X-3012
 STREETS AND/OR ROADS SHOWN HEREON AND MENTION THEREOF IN DEEDS ARE FOR PURPOSES OF DESCRIPTION ONLY, AND THE SAME ARE NOT INTENDED TO BE DEDICATED TO PUBLIC USE. THE FREE SIMPLE TITLE TO THE DEEDS THEREOF IS EXPRESSLY PRESERVED IN THE CAPTIONS OF THE DEED TO WHICH THIS PLAT IS ATTACHED THEREIN BEING AND ASSIGNING.
 HIGHWAY AND HIGHWAY WIDENING, EASE, DRAINAGE AND UTILITY EASEMENTS SHOWN HEREON ARE REFERRED TO THE DEVELOPER AND ARE HEREBY OFFERED FOR DEDICATION TO BALTIMORE COUNTY. THE DEVELOPER, HIS PERSONAL REPRESENTATIVES AND ASSIGNS SHALL CONVEY AND APPEAR BY DEED TO BALTIMORE COUNTY MAPPLAND, AT NO COST.
 FOR MAPPLAND LOTS PERUSE COLLECTOR, SIGN REMOVAL AND ROADWAY, TENCING ARE PROVIDED TO THE JUNCTION OF THE MAPPLAND AND THE STREET RIGHT-OF-WAY LINE ONLY, AND NOT OUT TO THE MAPPLAND LOT DRIVEWAY.

DENSITY CALCULATIONS
 Zone DR 5.5
 AREA OF PROPERTY = 6.667 AC.
 NUMBER OF LOTS = 37
 DENSITY = 37/6.667 = 5.5 Lots/Acre



HIGHWAY'S DEPARTMENT OF BALTIMORE COUNTY APPROVED FOR STREET ALIGNMENT & LOCATION
 DATE 5/20/81
 APPROVED FOR BALTIMORE COUNTY HEALTH DEPARTMENT
 DEPUTY STATE & COUNTY HEALTH OFFICER DATE 5/20/81
 APPROVED FOR BALTIMORE COUNTY PLANNING DEPT.
 DIRECTOR DATE

OWNER'S CERTIFICATE
 THE REQUIREMENTS OF SECTION 59 TO 62, ARTICLE 17 OF THE ANNOTATED CODE OF MARYLAND 1957 EDITION (TITLE: CLERKS OF THE COURT, SUB-TITLE: CLERKS OF THE CIRCUIT COURTS) AS FAR AS THEY RELATE TO THE MAKING OF THIS PLAT AND THE SETTING OF MARKERS HAVE BEEN COMPLIED WITH.
 DATE 3-28-81

SURVEYOR'S CERTIFICATE:
 I, E.F. MAPHEL, A REGISTERED PROFESSIONAL SURVEYOR OF THE STATE OF MARYLAND, DO HEREBY CERTIFY THAT THE LAND SHOWN HEREON HAS BEEN Laid Out AND THE PLAT THEREOF PREPARED IN ACCORDANCE WITH THE PROVISIONS OF THE LAW RELATIVE TO THE SUBDIVISION OF LAND KNOWN AS HOUSE BILL NO. 459 CH. 106 OF THE ACTS OF 1945 AND SUBSEQUENT ACTS AMENDATORY THEREOF.
 DATE 3-28-81

EMK. JR. 48 FOLIO 7
 Filed for record
 Date JUL 15 1981
 Test
 Clerk
PLAT 2
"SUE CREEK LANDING"
 15TH ELECT. DIST.
 SCALE: 1" = 50'
 BALTIMORE COUNTY, MD.
 DATE: MARCH 5, 1981
E.F. MAPHEL & ASSOCIATES
 REGISTERED PROFESSIONAL LAND SURVEYORS
 201 COURTLAND AVENUE
 TOWSON, MARYLAND 21204
 DEED REF: EHKJR 6013/82